

to Calista Ealy; H. R. 15169, granting an increase of pension to Kate Griffith; H. R. 15170, granting a pension to Maggie Groves; H. R. 15171, granting an increase of pension to Anna Hafey; H. R. 15172, granting an increase of pension to Adella Harper; H. R. 15173, granting an increase of pension to Elizabeth Heise; H. R. 15174, granting an increase of pension to Victoria Huddle; H. R. 15175, granting an increase of pension to Mary E. Jaco; H. R. 15176, granting an increase of pension to Althea S. Jones; H. R. 15177, granting an increase of pension to Carrie Miller; H. R. 15178, granting an increase of pension to Laura C. Monfort; H. R. 15179, granting an increase of pension to Mary E. Ryerson; H. R. 15180, granting an increase of pension to Laura B. Pleukhart; H. R. 15181, granting an increase of pension to Adelphia T. Weaver; H. R. 15182, granting an increase of pension to Sarah A. Williams; and H. R. 15247, granting a pension to Matilda Cranmer; to the Committee on Pensions.

8036. By Mr. SWICK: Petition of Protestant Boys, No. 136, Loyal Orange Lodge, Ellwood City, Pa., urging an immigration quota for Canada and Mexico and increased appropriations for enforcement of existing national-origin section of immigration law; to the Committee on Immigration and Naturalization.

8037. By Mr. WYANT: Evidence in support of House bill 14795, granting a pension to Emma R. Duncan; to the Committee on Invalid Pensions.

8038. Also, papers in support of House bill 14793, granting a pension to Elizabeth Hann; to the Committee on Invalid Pensions.

8039. Also, papers in support of House bill 14796, granting a pension to Celina L. DePriest; to the Committee on Invalid Pensions.

8040. Also, papers in support of House bill 14794, granting a pension to Susan E. Henry; to the Committee on Invalid Pensions.

8041. Also, papers in support of House bill 14797, granting a pension to Mary J. Stendts; to the Committee on Invalid Pensions.

8042. Also, papers in support of House bill 14798, granting a pension to Dora Slonaker; to the Committee on Invalid Pensions.

8043. Also, papers in support of House bill 14799, granting a pension to Mary A. Steiner; to the Committee on Invalid Pensions.

8044. Also, petition of the Pittsburgh Central Labor Union, by W. A. Crissman, president, and P. J. McGrath, secretary, recommending enactment of Senate bill 1727; to the Committee on the Civil Service.

SENATE

TUESDAY, December 18, 1928

(Legislative day of Monday, December 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park;

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; and

S. 4302. An act to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7010. An act to amend the organic act of Porto Rico, approved March 2, 1917;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point at Alford's Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes;

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States;

H. R. 13978. An act to amend section 5 of the act of March 2, 1895, relating to official bonds;

H. R. 14150. An act to amend section 279 of the Judicial Code;

H. R. 14152. An act to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard; and

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Simmons
Barkley	Fletcher	La Follette	Smith
Bayard	Frazier	Larrazolo	Smoot
Bingham	George	McKellar	Stock
Black	Gerry	McMaster	Steiwer
Blease	Glass	McNary	Stephens
Borah	Glenn	Moses	Swanson
Brookhart	Goff	Neely	Thomas, Idaho
Broussard	Gould	Nye	Thomas, Okla.
Bruce	Greene	Oddie	Trammell
Burton	Hale	Pine	Tydings
Capper	Harris	Pittman	Vandenberg
Caraway	Harrison	Ransdell	Wagner
Copeland	Hastings	Reed, Mo.	Walsh, Mass.
Couzens	Hawes	Reed, Pa.	Walsh, Mont.
Curtis	Hayden	Robinson, Ind.	Warren
Dale	Heflin	Sackett	Waterman
Deneen	Johnson	Schall	Watson
Dill	Jones	Sheppard	Wheeler
Edge	Kendrick	Shipstead	
Edwards	Keyes	Shortridge	

Mr. SHEPPARD. I desire to announce that my colleague the junior Senator from Texas [Mr. MAYFIELD] is absent on account of illness. This announcement may stand for the day.

Mr. NYE. I wish to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Wisconsin [Mr. BLAINE] are detained in a meeting of the Committee on the Judiciary.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION—BOULDER DAM

Mr. COPELAND. Mr. President, I have just to-day returned to the Senate after several days' absence because of serious illness in my family. I find in the RECORD of Friday last what is to me a serious error. On that day, where my paid was announced by my colleague, there is a very apparent mistake in the RECORD.

I do not find any fault with the official reporters or those who have charge of the RECORD, because I think the work they do is remarkably accurate. However, the RECORD makes it appear that my colleague the junior Senator from New York [Mr. WAGNER] announced:

If the senior Senator from New York were present, he would vote "nay." If the junior Senator from New Jersey [Mr. EDWARDS] were present, he would vote "nay."

Of course, this should read:

If the senior Senator from New York were present, he would vote "yea."

I ask unanimous consent that the RECORD may be corrected. To my friends in California, where I went last year for the express purpose of visiting the site of Boulder Dam and where I expressed my sympathy for the people of the Imperial Valley, who were in imminent danger at that time from a flood which was raging in the Colorado, I should not want it to appear that I was in opposition to this project. From the very first I have favored the legislation and am very happy it passed.

Of course I want the RECORD to show that if I had been present and permitted to vote I should have voted "yea."

Mr. JOHNSON. Mr. President, I simply desire to say that I know the statement in the RECORD is erroneous in regard to the views of the Senator from New York. From the inception of this long struggle the Senator from New York not only has been sympathetic with the desires of the people of southern California, of Imperial Valley, and the southwestern part of the United States, but he has rendered every possible aid in our behalf. Last week, called away as he was by serious illness in his family, he advised me of the fact and gave me authority to arrange a pair for him in favor of the measure and in favor of the project itself. In justice to him I desire to make this statement, so that the RECORD will show that his attitude has always been in full sympathy with and entirely favorable to the project.

Mr. WAGNER. Mr. President, may I state that in accounting for the absence of the senior Senator from New York, I did state that if he were present he would vote for the Boulder Dam bill, because I have known all along his sympathetic attitude toward that legislation.

Mr. ASHURST. Mr. President, I heard the announcement of the junior Senator from New York [Mr. WAGNER] and he made no error. I can testify, which I cheerfully do, that the senior Senator from New York [Mr. COPELAND] was an able and constant supporter of the Boulder Dam bill. Speaking as a vanquished Senator on that subject, I bear the scars from the rapier of the Senator from New York [Mr. COPELAND], but I am happy to say the scars I bear are above the belt and in the front. He neither struck below the belt nor in the back.

Mr. COPELAND. Mr. President, I ask that the correction may be made in the RECORD.

The VICE PRESIDENT. Without objection, the RECORD will be corrected accordingly.

PETITIONS AND MEMORIALS

Mr. EDGE presented a letter from Mrs. G. W. Gehin, president of the Essex County Women's Republican Club, of Newark, N. J., embodying a resolution adopted by that club, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD as follows:

ESSEX COUNTY WOMEN'S REPUBLICAN CLUB,
Newark, N. J., December 17, 1928.

Hon. WALTER E. EDGE,
Washington, D. C.

MY DEAR MR. EDGE: Our club, at a meeting on Friday, passed the following resolution:

"Whereas the Republican platform of 1928 states: 'We indorse the proposal of the Secretary of State for a multilateral treaty proposed to the principal powers of the world and open to the signatures of all nations, to renounce war as an instrument of national policy and

declaring in favor of pacific settlement of international disputes, the first step in outlawing war'; and

"Whereas such a treaty was signed in Paris, by Secretary of State Kellogg on behalf of the United States, on August 27, 1928: Therefore be it

"Resolved, That the Essex County Women's Republican Club indorses the multilateral treaty and urges its prompt ratification by the Senate of the United States."

We are anxious for the passage of this treaty.

Very sincerely yours,

Mrs. G. W. GEHIN, President.

Mr. DALE presented numerous petitions of sundry citizens and civic and religious organizations in the State of Vermont, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. GREENE presented numerous petitions of sundry citizens and civic and religious organizations in the State of Vermont, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented a letter in the nature of a petition from the Women's Interdenominational Missionary Council (affiliated with the Detroit Council of Churches, representing all Protestant Evangelical Churches of the city of Detroit), praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a petition of members of the First Methodist Episcopal Church, of Hollis, Long Island, N. Y., praying for the passage of legislation providing for Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Clinton, N. Y., praying for the passage of the so-called Sproul bill, being House bill 11410, to amend the act of October 28, 1919, known as the national prohibition act, etc., which was referred to the Committee on the Judiciary.

He also presented a petition of members of American Legion Auxiliary Post No. 274, of Peekskill, N. Y., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented numerous petitions and papers in the nature of petitions from sundry citizens and civic and religious organizations in the State of New York, praying for the prompt passage of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

He also presented a petition of members of the faculty and students of Auburn (N. Y.) Theological Seminary and School of Religious Education, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the annual convention of the National Alliance of Former German Soldiers and Army Veterans of North America (Deutscher Krieger Bund von North America), protesting against the continued occupation of German territory by black troops of former enemy nations, and also against the treaty of Versailles, particularly against the declaration contained therein that Germany alone caused the war, etc., which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a letter in the nature of a memorial from the First Church of the Brethren, of Sabetha, Kans., remonstrating against adoption of the proposed naval building program, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from the First Church of the Brethren, of Sabetha, Kans., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of White City, Morrill, and Jackson County, all in the State of Kansas, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Woman's Club, of Topeka; the First Presbyterian Church, of Iola; the Evangelical Church, and the Woman's Christian Temperance Union, both of Holton, in the State of Kansas, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were referred to the Committee on Foreign Relations.

He also presented petitions and papers in the nature of petitions of the Woman's Club, of Topeka; the League of Women

Voters of Southwestern College and the First Methodist Episcopal Church, both of Winfield; and members of the Ruskin Club and the Whittier Chautauqua Club, both of Parsons, all in the State of Kansas, praying for the passage of the so-called Gillett resolution, suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

LOANS ON ADJUSTED SERVICE CERTIFICATES

Mr. WALSH of Massachusetts. Mr. President, I have had some recent correspondence and criticisms with reference to the interest charged by the Government on loans secured by veterans upon their adjusted service certificates. My attention was called to the fact that the rate of interest charged was reaching as high as 7 per cent.

A letter from the Director of the United States Veterans' Bureau explains the policy pursued with respect to these loans. As the matter is of considerable public interest, I request that the Director's letter be printed in the CONGRESSIONAL RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, December 13, 1928.

HON. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: I wish to acknowledge your letter of December 7, 1928, transmitting a letter dated November 19, from Mr. James G. Garrett, Mittineague, Mass., in connection with the interest charged on loans secured by adjusted-service certificates.

The rate of interest applicable on loans made from the Government life-insurance fund on the security of adjusted-service certificates is not fixed by the administrative authorities of this bureau, but is specifically provided in paragraph (1), section 502, of the World War adjusted compensation act, as amended, which reads in part as follows:

" * * * The rate of interest shall be 2 per cent per annum more than the rate charged at the date of the loan for the discount of 90-day commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district in which is located the regional office, suboffice, or hospital of the United States Veterans' Bureau at which the loan is made."

It would appear that the Congress, when it enacted the provision above cited, believed that the interest charged should be in sympathy with prevailing money rates; thus, under present stringent money conditions in some Federal reserve districts the discount rate is as high as 5 per cent. However, it should be pointed out that when discount rates were what might be termed "subnormal," the benefit of such low rates was enjoyed by borrowers on adjusted-service certificates.

Interest collected on loans made on adjusted-service certificates from the United States Government life-insurance fund does not inure to the benefit of the Government either directly or indirectly, but is credited to the trust fund, which represents moneys held in trust by the Government for holders of policies of the United States Government life insurance, who are, of course, all ex-service men. Apparently the Congress felt that holders of United States Government life insurance were entitled to interest returns on their money parallel to that received on commercial loans, and that it would be unfair to loan the funds of ex-service policyholders, for whom it was acting as trustee, on any other basis than prevailing money rates.

The communication addressed to you by Mr. Garrett is inclosed, together with a copy of this letter.

Very truly yours,

FRANK T. HINES, Director.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILL:

A bill (S. 4994) granting a pension to Alpheus J. Williamson;
A bill (S. 4995) granting a pension to Henry G. Mauzey;
A bill (S. 4996) granting a pension to Max Lienthal;
A bill (S. 4997) granting a pension to John Lamburth;
A bill (S. 4998) granting a pension to Thomas Heslin;
A bill (S. 4999) granting a pension to Effie M. Dailey;
A bill (S. 5000) granting a pension to Frank M. Bowman;
A bill (S. 5001) granting a pension to Ferdinand Beyersdorf;

A bill (S. 5002) granting an increase of pension to Frank H. Wilson, alias Henry Wencel;

A bill (S. 5003) granting a pension to Harriett Turk;

A bill (S. 5004) granting a pension to Samuel W. Sims;

A bill (S. 5005) granting a pension to Felix Shaser;

A bill (S. 5006) granting a pension to Jacob E. Rego;

A bill (S. 5007) granting a pension to Mary A. Reed;

A bill (S. 5008) granting a pension to John Pleas Rader;

A bill (S. 5009) granting a pension to Harry Breese Johnson;

A bill (S. 5010) granting an increase of pension to Emily Fisher;

A bill (S. 5011) granting a pension to Robert B. Early; and

A bill (S. 5012) granting a pension to Walter H. Caswell; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 5013) to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A bill (S. 5014) authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 5015) for the relief of heirs of Jacob D. Hanson; to the Committee on Claims.

A bill (S. 5016) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. GREENE:

A bill (S. 5017) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan; to the Committee on Claims.

By Mr. McMASTER:

A bill (S. 5018) for the relief of the wife of Floyd C. Moulton; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 5019) granting an increase of pension to Sarah L. Headington (with accompanying papers); and

A bill (S. 5020) granting an increase of pension to Thomas Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 5021) granting an increase of pension to Julia A. Parsons (with accompanying papers); to the Committee on Pensions.

By Mr. HEFLIN:

A bill (S. 5022) to amend sections 183 and 184 of chapter 6 of title 44, of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD; to the Committee on Printing.

By Mr. HAWES:

A bill (S. 5023) granting a pension to Jackson St. John; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5024) granting a pension to Anna J. Van Nuys; to the Committee on Pensions.

AMENDMENT TO CENSUS BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses, which was ordered to lie on the table and to be printed.

PAY AND ALLOWANCES IN THE ARMY, NAVY, ETC.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 12032) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, which was referred to the Committee on Naval Affairs and ordered to be printed.

ADDRESS BY SENATOR BINGHAM

Mr. BLACK. Mr. President, I ask unanimous consent that there may be inserted in the RECORD an address delivered by the junior Senator from Connecticut [Mr. BINGHAM] at Kitty Hawk, N. C., on December 17, 1928, at the celebration of the twenty-fifth anniversary of the first airplane flight.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

It is a source of great pride to the members of the National Aeronautic Association to be standing side by side with the distinguished delegates to the International Civil Aeronautic Conference who have come to this sacred spot from many lands to honor the two men who first showed the world how to fly.

We who have cast our lives and our hopes with aeronautics know that it matters not what boundaries may separate us geographically. We strive for a common goal, and we are guided by one principle. That principle is profound faith in the art of flying, which Orville and Wilbur Wright, first of mankind, began to practice on this very spot 25 years ago to-day.

On December 17, 1903, there stood where we are now standing a strange device that looked like a cross between a box kite and the skeleton of a bird. Its creators believed that it would enable them to fly.

A biting cold wind was blowing across Kill Devil Hills at the rate of 27 miles an hour. Orville Wright and his brother realized the difficulties of flying in such a high wind, but estimated that the added dangers in flight under such conditions would be partly compensated for by the slower speed in landing.

So this great American, who is with us to-day, climbed aboard the strange craft. He warmed up the motor. He released the wire that held the machine to the track from which it was to be launched. The machine moved forward into the wind. His brother, Wilbur Wright, ran at the side, holding a wing to help balance the airplane on the track. And then the machine left the ground. It answered to the controls. Man was flying! Twelve seconds later a landing was made 120 feet from the point at which the machine rose into the air. For thousands of years man had watched and envied the flying birds. At last he had conquered the secret. He too could fly.

Orville Wright has spoken of this flight as being "exceedingly erratic," which he attributed in part to the irregularity of the air and in part to lack of experience in handling the craft. The flight lasted only a few seconds, but it was the first in the history of the world in which a machine carrying a man had raised itself by its own power into the air in full flight, had sailed forward under this same power without reduction in speed, and had finally landed at a point as high as that from which it started.

Three more flights were undertaken immediately thereafter, with Wilbur and Orville Wright alternating as pilots. Each successive flight was an improvement upon its predecessor, and when the joy of these two men was at a height greater than either ever experienced before, a strong gust of wind picked up this mechanical bird and played havoc with it. Although this came like a bolt of lightning out of a blue sky, Orville and Wilbur Wright had cast the die; they had solved the problem of human flight, even though the elements, always the aircraft's greatest enemy, scored a hit almost coincident with man's great victory.

In the quarter of a century which has elapsed since that memorable day the art has developed from two pilots and one plane to tens of thousands of airmen and aircraft flying all over the world. The science of aeronautics has gone forward until it has taken a vital and prominent place in the national defense and in the economic life of all peoples.

Twenty-five years ago to-day an airplane established a distance record of 852 feet and a nonstop flight record of 59 seconds. This was on the fourth and last flight of the original Kitty Hawk machine and was made with Wilbur Wright at the controls.

To-day the records of the National Aeronautic Association show that airplanes have remained aloft for 65 hours and 25 minutes and have traveled 4,466 miles in flight without refueling; have flown to an altitude of 38,418 feet; have shot through the air at 318 miles per hour; and have lifted more than 6 tons of cargo nearly 7,000 feet. They have brought the people of New York and California to within 19 hours of each other. They have joined Europe and America in single nonstop flights. They have linked America and the Far East; they have circled the globe; they have flown over the top of the world; and they have started to shrink the earth until it is difficult to foresee just when and where this shrinkage will stop.

Our mail, express, and, in many cases, our people speed through the night along lighted highways of the air, outdistancing every other available means of transportation. What we have to-day is but an indication of what we shall have in the future. It would be unwise to indulge in predictions as to what we shall be doing with aircraft, or what aircraft will be doing for us, when the fiftieth anniversary of this great event in the history of our Nation and the world rolls around. The best course to pursue is to seek the truth and build on a foundation of thorough knowledge.

[Addressing Mr. Orville Wright.]

We have an obligation to you, Mr. Wright. Our obligation is to take what you gave us here 25 years ago and develop it to the maximum. We must use as far as we are able the intelligence, the foresight, the perseverance, the honesty, and the integrity together with the modesty and unselfishness which have characterized your every action from the day when you and your brother first undertook the solution of the problem of human flight. Mr. Wright, you have endeared yourself to the heart of everyone who has had the good fortune to share your friendship and acquaintance. You have proved yourself worthy of all the honor that has been tendered you for your magnificent contribution to the progress of the world.

No honor is too great for this genius of the twentieth century.

Mr. Wright, we are grateful that you could journey back to the scenes of your first flights to honor by your presence your fellow members of the National Aeronautic Association in their humble efforts to preserve for posterity the exact location which marked man's first flight. At the same time we deeply mourn the absence of your devoted brother not only from this hallowed place on this occasion but from the world.

And now, on behalf of the membership of the National Aeronautic Association, I have the honor to unveil this granite bowlder which we hope will long serve to mark the birthplace of human flight and to perpetuate the affectionate regard in which you are held by all those who are proud to be known as your fellow members.

RADIO BROADCASTING LICENSES

Mr. DILL. Mr. President, I ask unanimous consent to insert in the RECORD the complaint of The Radio Protective Association against The Radio Corporation of America and affiliated corporations, asking the cancellation of licenses for broadcasting by those organizations. This is a complaint under section 17 of the radio act, and is so full and complete and so directly in point that I think it would be well to have it printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD an article from the New York World under date of December 17, quoting Mr. Hoover's testimony before the House Committee on the Merchant Marine and Fisheries against the Radio Trust.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

Before the FEDERAL RADIO COMMISSION.

The Radio Protective Association v. the Radio Corporation of America, the Radio Marine Corporation of America, the National Broadcasting Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., the United Fruit Co., the Tropical Radio Telegraph Co., and the American Telephone & Telegraph Co.

To the honorable the FEDERAL RADIO COMMISSION,

Washington, D. C.

GENTLEMEN: The Radio Protective Association respectfully charges to your honorable commission that the Radio Corporation of America, the Radio Marine Corporation of America, the National Broadcasting Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., the United Fruit Co., the Tropical Radio Telegraph Co., and the American Telephone & Telegraph Co.—all licensed by your commission as radio operating companies under the radio act of 1927—are violating section 17 of said act.

Your petitioner charges that these violations consist in the control by these licensees, who are engaged in the business of radio communication, of assets of the American Telephone & Telegraph Co., which is a telephone company doing a wire communications business, and that said control has the purpose and the effect of restraining commerce in the field of communications between the United States and foreign countries and of creating an unlawful monopoly therein. This control of such assets for such purpose is expressly forbidden by said section 17.

Wherefore your petitioner prays that your honorable commission will order the revocation of the licenses heretofore granted to these corporations in the field of broadcasting as well as of communications and for other purposes.

Your petitioner further prays that until the final determination of the issues which arise under these violations of section 17, your commission will refuse to grant any applications for further licenses which may be made by any of these corporations, or for any renewals or modifications of existing licenses.

The records of your commission will be the best evidence of the licenses now held by these companies, but the attached list contains the call letters of the licenses now in the hands of these companies, so far as they are known to us, and against each of which we respectfully ask an order to show cause why such an order of revocation should not be issued.

Only if safeguarded against the threat of monopoly control, can the radio art reach its highest development and give to the American people the fullest benefits of this marvelous means of mass communication. This is the purpose which Congress had when it wrote section 17 into the radio act of 1927. In undertaking to maintain the freedom of competition in radio, Congress, by that section of the statute which created your honorable commission and entrusted it with the protection of this new art, prohibited any combination of wire interests with wireless interests that might restrain competition in the field of international communications.

In response to a previous communication from our association, your commission sent us under date of August 23, 1928, a copy of an opinion rendered by Hon. Louis G. Caldwell, general counsel for your commission, in which he wrote as follows, concerning section 17:

"The foregoing constitute direct prohibitions. The first prohibition is directed specifically against licensees. In my opinion this prohibition comes within the 'restrictions and conditions' of the radio act, and, on a showing to the commission of a violation on the part of a licensee, the license may be revoked. It is not necessary that there first be a judgment of guilty by a Federal court or a finding or certificate of any Federal body. * * * The very evident intention of the section was to prohibit such a combination of wireless or radio communication interests with other forms of communication interests (such as cable,

wire, telegraph, or telephone) as substantially to lessen competition or create monopoly in the field of communication."

We believe that Mr. Caldwell was in error in construing the application of this act to be limited to the field of communications. It is our opinion that the phrase "unlawfully to create monopoly in any line of commerce" gives section 17 a broader application than indicated by Mr. Caldwell. We are not, however, concerned at this time with the effect of this broader application, as within the field of communication this commission is confronted by a situation purely within the prohibitions of section 17 and calling for definite action.

Section 17 provides, among other things, that "no person engaged directly or indirectly in the business of transmitting or receiving communications by radio under a license under this act shall * * * directly or indirectly * * * control any * * * assets of any * * * cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to restrain competition or restrain commerce between any place in * * * the United States * * * and any place in any foreign country, or unlawfully to create a monopoly in any line of commerce."

Section 17 also provides that any person now or hereafter engaged directly or indirectly in the business of transmitting for hire, messages, by any cable, wire, or telegraph or telephone wire system in interstate commerce within the United States, or between the United States and a foreign country, "shall directly or indirectly * * * control any * * * asset of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or restrain commerce between any place * * * in the United States * * * and any place in any foreign country, or unlawfully to create monopoly in any line of commerce."

The companies against which this complaint is directed fall distinctly within the definition of section 17 and are, within the field of communications, acting clearly in violation of the prohibition of this section. They are, respectively, either in the telephone, wire, or radio communications business, and as such have entered into specific agreements among themselves in which control of their assets is given by each to the others, and the effect of the agreements under which this control is secured is clearly intended to and does substantially lessen competition in the field of communications, and intends to and does unlawfully create a monopoly in that commerce.

It is highly pertinent in examining the details of these agreements to consider the specific functions and nature of each of these companies.

The Radio Corporation of America is the largest radio communications company in the world and is therefore a licensee owning and operating various stations licensed under the radio act of 1927. It also has pending before your commission a number of applications for additional licenses. This company is further the patent pooling and selling agency of the American Telephone & Telegraph Co., the General Electric Co., and the Westinghouse Electric & Manufacturing Co., and is one of the owners of the National Broadcasting Co. and the sole owner of the Radio Marine Corporation of America.

The American Telephone & Telegraph Co. is the greatest concern in the United States engaged in the communications business—operating in both wire and wireless communications. This company has practically a complete monopoly of the long distance telephone business in the United States and between the United States and foreign countries, and has 65 per cent of all the telephone subscribers in the United States. It also owns and operates various radio stations licensed under this act.

The General Electric Co. is the largest manufacturing company of electrical apparatus in the United States, including radio apparatus, and is a licensee owning and operating various radio stations licensed under this act.

The Westinghouse Electric & Manufacturing Co. is the second largest manufacturer of electrical apparatus in the United States, including radio apparatus, and is the licensee owning and operating various radio stations licensed under this contract.

The Radio Marine Corporation is the newest subsidiary of the Radio Corporation of America and its stock is owned entirely by the parent company. It is a licensee of various licenses under this act and has pending before your commission various applications for additional licenses.

The National Broadcasting Co. is engaged primarily in the operation of radio chains and broadcasting stations, and its stock is owned by the Radio Corporation of America, the General Electric Co., and the Westinghouse Electric & Manufacturing Co. It is a licensee of various radio stations licensed under this act.

The United Fruit Co., a corporation of the State of New Jersey, is engaged in radio communications between the United States and various countries in Central and South America. It owns the stock of the Tropical Radio Telegraph Co., which is a licensee of various radio stations licensed under this act.

The economic position of this group—which is widely known as the Radio Trust—is most clearly indicated by the fact that the combination represents aggregate resources of more than \$3,000,000,000. We refer only to the admitted assets of this combination and not to the enormous economic power which its members hold through their various

affiliations. There is no other group in the radio industry or in the communications field, whether radio, telephone, telegraph, cable, or otherwise, with assets comparable to those of the companies which make up this combination.

Starting with the organization of the Radio Corporation of America, ostensibly by the General Electric Co., in the latter part of 1919, these companies entered into a conspiracy which was carried out by contracts and cross-licensing agreements to the end that every vestige of competition between them has been eliminated in the commercial field, in the field of patents and inventions, in the field of development, in the field of broadcasting, and in the field of communications. Furthermore, under these agreements the combined resources may and must be used as a single instrument to destroy outside competition, and they have been so used.

To show the extent to which this combination has gone in its efforts to destroy the independent radio industry, we refer your commission to the fact that the Supreme Court of the United States has just refused to review a decision of the United States Circuit Court of Appeals for the Third District, which held that the Radio Corporation of America—acting under the agreements hereinbefore mentioned—has undertaken unlawfully to monopolize the radio-tube business of the United States.

That decision held that clause 9, in a contract signed by the Radio Corporation of America, the American Telephone & Telegraph Co., the General Electric Co., and the Westinghouse Electric & Manufacturing Co., was a violation of section 3 of the Clayton Antimonopoly Act. Had the Radio Trust by means of this clause 9 been able to carry out its plan unlawfully to monopolize the radio-tube business it would have been able to completely destroy competition in every phase of radio, because the tube is the heart of all radio apparatus, both in transmission and reception.

Under the cross-licensing agreements, to which we desire specifically to call the attention of your commission, the Radio Corporation of America, which, to use the language of section 17, "is in the business of transmitting and/or receiving for hire energy, communications, or signals by radio," has acquired control of assets of the American Telephone & Telegraph Co., which, again in the language of said section 17, is operating a "cable or wire, telegraph or telephone line, or system, between any place * * * in the United States and any place * * * in any foreign country."

The reverse of this is also true, namely, that the American Telephone & Telegraph Co. has acquired control of assets of the Radio Corporation of America, which control is declared unlawful by said section 17.

The General Electric Co. and the Westinghouse Electric & Manufacturing Co. are directly in the business of transmitting and receiving for hire, energy, communications, or signals by radio, under licenses issued under this act, as well as indirectly, by virtue of their stock ownership and control of interests in the Radio Corporation of America and the National Broadcasting Co. Both of these companies control assets of the American Telephone & Telegraph Co., in contravention of section 17.

The acquisition by these respective companies of the control of assets belonging to each other was for the purpose of eliminating competition between them in the field of communications, as will be shown by the specific agreements.

The text of these agreements is set forth in complete detail in the report on The Radio Industry, 1923, made by the Federal Trade Commission, and we respectfully refer your commission to this public document for the complete details.

The first agreement to be considered is described as: "License Agreement—General Electric Co. and American Telephone & Telegraph Co.," dated July 1, 1920 (Federal Trade Commission Report on Radio Industry, 1923, p. 130). Under this agreement between the General Electric Co. and the American Telephone & Telegraph Co. (Art. V, par. 3, sec. b), the General Electric Co. grants to the American Telephone & Telegraph Co. exclusive licenses in the field of wire telegraphy on land and over ocean cables not more than 100 miles in length, and between the mainland of the United States and Cuba. This grant of an exclusive license under all the patents owned by the General Electric Co. gives the American Telephone & Telegraph Co. control of those patents which are assets of the General Electric Co. and divests the General Electric Co. of the right to engage in the field of wire telegraphy on land and over ocean cables, as set forth. The purpose of this contract is clearly to restrain commerce and communications between the United States and Cuba and substantially lessens competition in this field of wire telegraphy.

As a part of the same license agreement (Art. V, par. 4, sec. b), the American Telephone & Telegraph Co. grants to the General Electric Co. exclusive licenses in the fields of transoceanic wireless telephony (covering telephony between points in the United States and foreign countries, such licenses being limited, so far as concerns service on this continent for the public or for others than the General Electric Co. to rendering such service through only the telephone company's wire or wireless telephone system.

There is a provision for an agreement upon joint through rates and a division of rates; also a provision that in the event the General Electric Co. is not prepared to render proper service the American

Telephone & Telegraph Co. may establish wireless stations for rendering such service, after giving the General Electric Co. reasonable notice and opportunity to do so, and when the General Electric Co. is in a position to render such service it may take over the American Telephone & Telegraph Co. stations at the cost of reconstruction less depreciation. In other words, so far as actual transoceanic wireless telephony is concerned, monopoly is given to the General Electric Co., but in serving the public in the United States in connection with such service the monopoly is given to the American Telephone & Telegraph Co., and these monopolies are tied together. This is the exact situation which section 17 prohibits.

This agreement has the following effect:

If the general public desires to communicate by wireless telephone from any point in the United States to any foreign point over the General Electric wireless telephony system, the call must be originated through the facilities of the American Telephone & Telegraph Co. The General Electric Co. is prevented by this agreement from using any other facilities than those of the American Telephone & Telegraph Co. No other concern in the telephone business can do business in this field with the General Electric Co. By this agreement the potential customer has been effectively barred from patronizing any competing telephone company. It is a tying agreement without reservation, so far as the competitors of the American Telephone & Telegraph Co. are concerned.

On the same day, July 1, 1920, the General Electric Co., the Radio Corporation of America, the American Telephone & Telegraph Co., and the latter's subsidiary corporation, the Western Electric Co., entered into what is termed an "extension agreement" (Federal Trade Commission Rept. p. 139), which made the Radio Corporation and the Western Electric Co. parties to the license agreement already referred to between the General Electric Co. and the American Telephone & Telegraph Co.

This agreement was made by the General Electric Co. in order to pass on the benefits under the agreement to the Radio Corporation of America, which the General Electric Co. was creating at that time and still chiefly controls.

Under this agreement the Radio Corporation of America—

"grants and agrees to grant to the Telephone Company, under the present and future patents of the Radio Company, rights of the same character and scope, and for the same fields and subject to the same limitations and conditions, as the rights granted to the Telephone Company in and by said agreement of July 1, 1920: *Provided, however,* That all rights herein granted and agreed to be granted are subject to the rights which the Radio Company hereby reserves for itself and for the General Company and their several successors in business of the same character and scope and for the same fields and subject to the same limitations and conditions as the rights reserved by the General Company in and by said agreement of July 1, 1920. And the Radio Company hereby assumes toward the Telephone Company (and the General and Radio Companies assume toward the Western Company, to the extent that the Telephone Company under the provisions of clause 1 hereof extends or may hereafter extend its right to the Western Company) obligations similar to the obligations assumed by the General Company toward the Telephone Company in and by said agreement of July 1, 1920, except that the Radio Company assumes no obligation as to manufacturing or selling articles or devices which it is not from time to time engaged in commercially manufacturing."

The effect of this agreement, in restraint of competition in the field of wireless telephony, is therefore extended to include the following:

If the public desires to use the facilities of the Radio Corporation of America in communicating by radiotelephony from any of the States, Territories, or possessions of the United States with any foreign land, it must originate the communication through the telephone system owned, operated, or controlled by the American Telephone & Telegraph Co. The Radio Corporation of America, in connection with its communications business in wireless telephony, can not connect up its service with any other telephone system except that of the American Telephone & Telegraph Co.

As the Radio Corporation has much more extensive facilities than any other concern in the United States for wireless communication, telephony or otherwise, and as the American Telephone & Telegraph Co. completely dominates the telephone business of the United States, the economic effect of this agreement clearly falls within the judicial interpretation of the phrase "substantially lessen competition or restrain commerce." Any competitor of the Radio Corporation of America or the American Telephone & Telegraph Co. is effectively barred by these agreements from this commerce.

In the *Standard Fashion Co. v. Magrane-Houston Co.* (258 U. S. 346), the Supreme Court, in interpreting identically the same language under section 3 of the Clayton Act, held that agreements of a tying nature between persons controlling 45 per cent of the business had the economic effect of substantially lessening competition. The Radio Corporation of America and the American Telephone & Telegraph Co. admittedly have substantially more than 45 per cent of the business in their respective businesses and specifically in the field of wireless telephony.

As another indication of the monopolistic character of this communications business, we refer to the statement of the counsel for the Fed-

eral Trade Commission in the matter of the Federal Trade Commission v. General Electric Co. et al., at page 56 of the Brief in Opposition to Motion of the Respondents to Dismiss the Complaint, in which the counsel for the commission said as follows:

"All of the traffic contracts of the Radio Corporation with companies in foreign countries, and with countries owning stations, are in evidence. The traffic manager of the Radio Corporation of America testified that as to those countries with which the Radio Corporation had traffic contracts, there were no stations other than those owned by the countries capable of communicating with America, and that with respect to the companies in foreign countries with which the Radio Corporation of America has traffic contracts, there are no other companies owning stations capable of communicating with the United States. (Record, p. 4020.) All of these contracts are exclusive, either expressly so or exclusive in effect."

These exclusive traffic arrangements of the Radio Corporation of America are now reported to cover three-fourths of the international radio business of the United States, including all business done with Great Britain, France, Germany, Italy, Poland, Norway, Sweden, Japan, and many other countries.

We come now to the consideration of what is termed "License agreement—Radio Corporation of America and United Fruit Co.," executed on the 7th day of March, 1921, approximately seven months after the license agreement hereinbefore referred to. (Federal Trade Commission Report, p. 143.)

The United Fruit Co. was a pioneer in the radio communications field. It maintains an extensive radio communications service not only on its great fleet of ships, but in the countries of North, Central, and South America, and the West Indies. It was the owner, prior to entering into this license agreement, of the capital stock of the Tropical Radio Telegraph Co., and in the field of manufacture of broadcasting apparatus, the capital stock of the Wireless Specialty Apparatus Co. It was, prior to entering into agreements with the Radio Corporation of America, a strong potential competitor in the communications field in its own territory.

The General Electric Co. has acquired all of the capital stock of the Wireless Specialty Apparatus Co., and has eliminated that company from competition in the field of manufacturing broadcasting apparatus. Under the license agreement between the Radio Corporation of America and the United Fruit Co. all competition in the field of communications between these companies was destroyed.

Under this agreement the United Fruit Co. agreed to restrict its communications by agreeing not to enter into the field of commercial communications, and agreeing further that its own communications must "have to do with the business of the Fruit Co. or its subsidiaries." It further agreed that "messages destined to points in the United States may be transmitted to destination from said stations in the United States only through the facilities of the Radio Corporation or by wire, and that messages from points in the United States may be transmitted to said stations in the United States only through the facilities of the Radio Corporation or by wire, it being agreed that the Fruit Co. will not enter into any joint traffic arrangements with any other company than the Radio Corporation for forwarding such messages between said stations in the United States and other points in the United States without consent of the Radio Corporation." The agreement further provides wireless telephonic communications for the same purpose, in the same territory, shall be "subject to the same limitations as the wireless telegraphic communications above licensed: *Provided, however,* That no license is granted for wireless telephonic communication in the United States or its possessions." The Fruit Co. agrees further "that it will not establish nor operate stations for wireless communication outside of the Fruit Co. territory, Colombia, Cuba, and the Panama Canal Zone, except said stations at New Orleans, Boston, Burrwood, and Miami or vicinity."

This contract goes into exhaustive details of a complete scheme for eliminating any competition between the United Fruit Co. and the Radio Corporation of America in the communications business in what is termed the "Fruit Co. territory."

This agreement also contains the following important paragraph:

"The Fruit Co. has received a copy of a contract between General Electric Co. and American Telephone & Telegraph Co., dated July 1, 1920, and a copy of the extension agreement between said companies, the Radio Corporation and the Western Electric Co., also dated July 1, 1920, and takes notice of the contents thereof."

We have, therefore, the following situation:

The Radio Corporation of America, by virtue of the General Electric Co.-American Telephone & Telegraph Co. agreement, plus the extension agreement covering the Radio Corporation of America, acquires control in certain fields of the use of the patents of the American Telephone & Telegraph Co., and in consideration thereof gave up its rights to do business in certain fields. The Radio Corporation of America in turn ties this situation up with the United Fruit Co., whereby, in violation of section 17, the United Fruit Co. indirectly " * * * controls * * * assets * * * of the telephone company."

The effect of this series of agreements is that any wireless communication originating in the United Fruit Co. territory destined for a point

within the United States, particularly in the field of wireless telephony, must go through only the facilities of the General Electric Co. or the Radio Corporation of America and the American Telephone & Telegraph Co.

That under these agreements these various companies acquired "control * * * of the assets" of each other is borne out by the following statement by Judges Hough, Manton, and Mayer in the circuit court of appeals, second circuit, in the case of Radio Corporation of America v. Emerson (296 Fed. 51, 54, 55):

"Under date of July 1, 1920, the American Telephone & Telegraph Co. entered into an agreement with the General Electric Co. by the terms of which the latter company acquired exclusive and nonexclusive licenses under all the patents and rights to and under patents of the telephone company, including the patents in suit, during the terms thereof, throughout the United States. The exclusive rights acquired by the General Electric Co. under the agreement included the right to make, use, and sell (1) in commercial wireless telegraphy, for profit or toll; (2) in the field of wireless telephony, for commercial communication, for profit or toll, by and between airplanes, ships, and automotive devices, except railway vehicles; (3) in the amateur wireless telegraphy field and in amateur wireless telephone field, excepting only the prior reserved personal, nonexclusive, and nontransferable De Forest license; (4) in the field of wireless telephony, but not for public service, where the business use thereof is incidental or where at least one of the stations is portable, excepting only the De Forest license; (5) in the field of wireless telephony, by electric light, electric power, and electric traction companies, excepting only the said De Forest license. This agreement provides that each party may assign and grant special licenses under any of the rights granted by the agreement, providing that the assent of the other property is first obtained.

"On July 1, 1920, an agreement was made between the same parties, the Radio Corporation and Western Electric Co., referred to as an extension agreement, by which the American Telephone & Telegraph Co. consented to the acquisition by the telephone company from the General Electric Co. of any rights or licenses under the patents which were acquired by the General Electric Co. under the agreement of July 1, 1920. We think that by virtue of these agreements the Radio Corporation acquired an exclusive license to use and sell devices and vacuum tubes in the fields therein specified under the patents in suit. It gave the Radio Corporation the sole right to use and sell radio devices and vacuum tubes, employing the invention in suit in the fields above described where toll or profit was made; in other words, for commercial communication between ships, airplanes, and automotive devices. The owner of the patents and all others were excluded from such fields. The radio amateur field is covered by a license to sell the patent devices or tubes granted to the Radio Corporation, with some reservations to sell under limited conditions to the De Forest Co. With the exception of the personal nonexclusive and nontransferable license of the De Forest Co., the Radio Corporation's interest or right in this field is also exclusive. We regard these interests of the Radio Corporation as property rights, and such exclusive interests and rights were apparently very valuable. The Radio Corporation is, therefore, in the position of an exclusive licensee under the De Forest patents."

In the United Fruit Co. situation the General Electric Co. bought the stock of the Wireless Specialty Apparatus Co. from the United Fruit Co. This stock was purely an asset of the United Fruit Co. It was an integral part of the transactions covered by the chain of cross-licensing agreements. By virtue of this acquisition of assets plus the interlocking agreements above set forth the American Telephone & Telegraph Co. indirectly secured control of valuable rights or assets of the United Fruit Co., which is in the radio-communication business. This was indirectly securing a control of assets, in violation of section 17, if the effect of said control was to substantially lessen competition, which has been clearly shown to be the effect.

The Westinghouse Electric & Manufacturing Co. on the 30th day of June, 1922, entered into what is termed "license agreement, Radio Corporation of America, General Electric Co., and the Westinghouse Electric & Manufacturing Co." (Federal Trade Commission Rept., p. 167.) Under this agreement the Westinghouse Co. became an integral part of the program contemplated and hereinbefore set forth and agreed to the same rights and limitations of rights upon itself and upon the other parties to the agreement and their associated companies. They became parties to the same restraints of competition in the same fields, in the same manner, and to the same extent as indicated by the prior agreements.

It will be said by those adversely affected by our complaint that we are destructive. Nothing is further from the truth. We are trying to protect this great radio art against destruction by this monopoly and by the powerful interests that compose it. That is what Congress intended to do when it wrote section 17.

The invention of radiobroadcasting has done more to perfect the operation of our Government, as a direct popular Government, than any other event in our history. In the recent presidential campaign radio made a forum of the whole United States. For the first time the issues and the views of the candidates were carried to countless millions of our people by the voices of the candidates themselves.

The next great contribution of radio communication should be in the field of our international relations. When Congress wrote section 17 into the radio law—the statute which created the Federal Radio Commission and on which the whole fabric of governmental control rests—it intended to safeguard our radio communication with foreign countries against the menace of a radio monopoly, as well as against the possibility that existing wire companies might attempt to throttle this new competitor. It is unthinkable that radio communication from the United States, whether in the field of broadcasting or in any other field, should be monopolized by any individual, group, or combination, no matter how powerful and no matter how noble its professions of public service.

The congressional mandate set forth in section 17 should be carried out.

Respectfully submitted.

RADIO PROTECTIVE ASSOCIATION.
By OSWALD F. SCHUETTE,
Executive Secretary.
ERNEST R. REICHMANN, Counsel.

CITY OF WASHINGTON,

District of Columbia, ss:

Oswald F. Schuette, being duly sworn, deposes and says that he is the executive secretary of the Radio Protective Association, the plaintiff named in the foregoing complaint; that he has read the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be on information and belief, and as to those matters, he believes it to be true.

OSWALD F. SCHUETTE.

Sworn to and subscribed before me this the 18th day of December, 1928.

[SEAL]

JULIE M. MAYER,

Notary Public in and for the District of Columbia.

Schedule of licenses, by call letters, involved in complaint of Radio Protective Association against violations of section 17:

RADIO CORPORATION OF AMERICA

Broadcasting: WJZ, New York, N. Y.; WRC, Washington, D. C.
Communications and other purposes: WMH, Baltimore, Md.; KEE, KEL, KEM, KEN, KER, KES, KET, KKK, KKR, KKZ, KLL, KMM, KPH, KQJ, KQZ, KSS, KWE, KUN, Bolinas, Calif.; WBL, Buffalo, N. Y.; WIM, Chatham, Mass.; WCY, Cleveland, Ohio; WRL, Duluth, Minn.; KGI, KIE, KIO, KKH, KQH, KRO, Kahuku, Hawaii; KSE, Los Angeles, Calif.; WCC, WRQ, WSO, Marion, Mass.; WAZ, WIZ, WII, WRT, New Brunswick, N. J.; WNY, WKW, New York, N. Y.; KDU, Point Reyes, Calif.; WAJ, WBW, WDS, WEA, WEB, WEC, WED, WEE, WEF, WEG, WEJ, WEL, WEM, WER, WES, WET, WEX, WFX, WHR, WIK, WIR, WIX, WKM, WKO, WKP, WKQ, WKU, WLL, WOP, WPE, WQA, WQB, WQC, WQG, WQK, WQM, WQN, WQQ, WQV, WQW, WQX, WQY, WSS, WTT, Rocky Point, N. Y.; WGT, WGX, WJT, San Juan, P. R.; WGG, WSC, WCI, Tuckerton, N. J.; KSE, Torrence, Calif.; and 65 high-frequency channels for transoceanic service.

RADIO MARINE CORPORATION OF AMERICA

Communication and other purposes: WSA, New London, Conn.

ILLINOIS RADIO CORPORATION OF AMERICA

Communication and other purposes: WGO, Chicago, Ill.

RADIO CORPORATION OF THE PHILIPPINES

Communication and other purposes: KZED, KZEN, KZET, KZRC, Manila, P. I.

RADIO CORPORATION OF PORTO RICO

Broadcasting: WKAQ, San Juan, P. R.

NATIONAL BROADCASTING CO.

Broadcasting: WEA, Bellmore, N. Y.

GENERAL ELECTRIC CO.

Broadcasting: KGO, Oakland, Calif.; KOA, Denver, Colo.; WGY, Schenectady, N. Y.

Communication and other purposes: KEB, Oakland, Calif.; KFD, Denver, Colo.

WESTINGHOUSE ELECTRIC & MANUFACTURING CO.

Broadcasting: KYW—KFKX, Chicago, Ill.; WBZ, Springfield, Mass.; WBZA, Boston, Mass.; KDKA, Pittsburgh, Pa.

Communication and other purposes: WKA, Pittsburgh, Pa.; WAQ, Newark, N. J.

TROPICAL RADIO TELEGRAPH CO. (UNITED FRUIT CO.)

Communication and other purposes: WBF, Boston, Mass.; WAX, Hialeah, Fla.; WNN, Mobile, Ala.; WNU, New Orleans, La.; and seven high-frequency channels for transoceanic service.

AMERICAN TELEPHONE & TELEGRAPH CO.

Communication and other purposes: WND, Ocean Township, N. J.; WNL, Rocky Point, N. Y.; and 14 high-frequency channels for transoceanic service.

TEXT OF SECTION 17 OF THE RADIO ACT OF 1927

SEC. 17. After the passage of this act no person, firm, company, or corporation now or hereafter directly or indirectly through any subsidiary, associated, or affiliated person, firm, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this act, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share of any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person, firm, company, or corporation now or hereafter engaged directly or indirectly through any subsidiary, associated, or affiliated person, company, corporation, or agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any other State, Territory, or possession of the United States, or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

[From the New York World of December 17, 1928]

HOOVER IS QUOTED IN RADIO PROTEST—PROTECTIVE ASSOCIATION SAYS HE OPPOSES MONOPOLY—GAVE VIEW TO CONGRESS—TOLD HOUSE COMMITTEE QUESTION MUST BE SQUARELY MET

(Special dispatch to the World)

WASHINGTON, December 16.—The Radio Protective Association, which has been on the trail of the alleged "radio trust" in season and out and only a few days ago demanded that the Federal Radio Commission forthwith revoke all licenses granted to the Radio Corporation of America, in a statement to-night quotes President-elect Hoover as strongly opposing monopoly in this field.

Oswald F. Schuette, executive secretary of the association, goes back to the testimony given by Mr. Hoover before the House Committee on Merchant Marine and Fisheries in the Sixty-eighth Congress when the White radio bill was up for discussion.

"The most relentless enemy of the Radio Trust could not want a better spokesman than Mr. Hoover," says Mr. Schuette, who added he was confident the President elect has not changed the views he expressed as Secretary of Commerce and chief radio adviser to President Coolidge. At that hearing Mr. Hoover said:

"The question of monopoly in radio communication must be squarely met. It is not conceivable that the American people will allow this new-born system of communication to fall exclusively into the power of any individual, group, or combination. Great as the development of radio distribution has been, we are probably only at the threshold of development of one of the most important human discoveries bearing on education, amusement, culture, and business communication.

"It can not be thought that any single person or group shall ever have the right to determine what communication may be made to the American people. We can not allow any single person or group to place themselves in a position where they can censor the material which shall be broadcast to the public.

"Radio communication is not to be considered as merely a business carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the basis of the same general principles as our other public utilities."

ARTICLE FROM THE NEW LEADER, OF NEW YORK

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from last Saturday's issue

of the New Leader, a journal published in the State of New York, which is entitled "The Hell of Poverty."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Leader, Saturday, December 15, 1928]

THE HELL OF POVERTY—ORGANIZED CHARITY SHOWS THE HIDEOUS SORES OF CAPITALISM

Like a man with a past our social order has a dual life. Outwardly it is polished and pleasing to the eye if we do not look beneath the surface. Inwardly it is ugly, often foul, even revolting. Vegetating in basements and garrets and shuffling in the shadows of city streets are the wretches, the human driftwood, the misfit unfortunates, who do not live and who never had a chance to live.

Each year as Christmas approaches capitalism casts aside its mask and bares its hideous sores. The spirit of the Carpenter broods over the earth, humankind grows mellow with sentiment for the unfortunate, the money bags yield a fraction of their contents for relief, and into dens and hovels and basements and other haunts of the social abyss agents of charity carry their alms. Sores are salved, empty stomachs are filled, fires kindled, backs clothed, and feet shod—for a time!

Yes, Christ walks the earth 1 day in a year of 365 days. President and politician, banker and industrial magnate, editor and publicist, the grafter who markets his vote and the official who betrays his trust, all sing the praises of the best of all possible worlds. The President of the Republic broadcasts to the multitude "an era of prosperity more extensive" than the world has ever known. Secure in the upper gentry of their blessed "order," enjoying assured incomes, the ruling gentry live over a social abyss into which we are permitted to peer once each year.

THE PAGEANT OF POVERTY

In New York City the Times and other dailies lift the lid for a few weeks and reveal the social hell below. In all the great cities and in every town charitable organizations, the Salvation Army, the Volunteers, and hundreds of other relief societies parade before us the broken men and women, the cast-off veterans of industry, the wretched unemployed, the human casualties and wrecks of a misdirected system of producing and distributing wealth. These hideous reminders of the social pit shamble in a revolting pageant before us in description of "cases" intended to awaken sympathy. This skeleton closet of capitalism is exhibited swift upon the heels of the gaudy exhibit of "prosperity," and thus two worlds confront each other in stark antagonism.

The New York Times each year has its "Hundred neediest cases." Always a hundred, and these only the neediest. How many other hundreds and even thousands still lurk in the shadows nobody knows. The New York Evening Post has its "old couples' fund," and other papers have their special batch of the wretched. The sister publication of the Post in Philadelphia, the Ledger, carried a crusade against old-age pensions in Mellon's paradise of Pennsylvania to a successful conclusion. Thank God, sayeth the Post, our batch of the old folks will get alms. No continuous reward throughout the year as justice due to useful labor, but a charitable dole thrust down into the pit for withered hands to clutch, and only a few hands at that. Thus the Post, organ of the capitalist and financial gentry, bulletin of the Coolidge religion of "prosperity."

A PEEP INTO THE ABYSS

Turn to the four pages of last Sunday's Times and note the parade of social pariahs, a hundred selected from the pit where thousands fester beneath the richest city in the world. Here is the presser in an East Side tenement who collapsed at his work and sank to destitution while four children cry for food. There is the girl of 13 in a basement stitching powder puffs, child of a longshoreman, head of a family of nine, and earning \$20 a week. There is the despairing woman in a rickety tenement thinking of drinking the lye which she purchased with her last 15 cents and a family of five living among rats in a dark and damp storage room. An emaciated young mother with five children starving because civilization had no room for her.

There is the wife and five children whom a noble judge sentenced to destitution by sending the breadwinner to prison for some petty crime. There is the soldier who went to war to make a world "fit for heroes to live in," now a tubercular, homeless, hungry, and dependent upon the alms of neighbors. Another war veteran who at the end of three months of unemployment, his wife and two babes hungry, dazed at the social magic that has hurled him from the heights of a "hero" to the depths as an outcast of the industrial world.

Here comes a tottering old negro mammy, one who in her childhood was a slave and played with the white brood of a noble master. Aunt Mary can no longer wrest bread from a washtub and "freedom" has left her stranded in the pit. Will some one please toss her a few alms? There comes a middle-aged man with four little girls, a father unemployed for five months, furniture sold, all hungry, and the little ones having found beds on wooden planks. Out of a dank cellar stalks a family of 11 children unable to locate Mr. Coolidge's "prosperous" world. Then note the pale, thin man, still in his thirties; the hand-worker on fine shoes till the factory installed machines and he was turned into the street to walk for weeks in search of a job. It is

finally found, but the weakened man falls in a faint and tumbles into the pit, carrying his wife and three little ones with him. And here feebly walks a woman of 84, a wageworker all her life, and no old-age insurance to assure her some comfort ere she passes into the shadows. Many "philanthropists" who solicit alms for her are sure that old-age pensions are the essence of "paternalism" and possibly the path that leads to "Bolshevism," so this veteran of industry shambles into view to excite our pity.

ICED CHARITY OF CAPITALISM

There are the cripples and the blind, the ragged and the diseased, the neglected and the wretches, who drag their weary bodies in a wretched pageant of poverty, famine, and despair. And this parade of the social pariahs is repeated in every city in the United States every year in the season of "glad tidings." Not even the Coolidge "era of prosperity more extensive" than the world has ever known has passed these unfortunates into that moderate degree of assured comfort which our ancestors of the caves had. And how many others are there down there in the abyss who are not exhibited at all?

Yea, Christ walks the earth one day in the year. The remaining days the sanctimonious and the well fed, the keepers of the money bags, the polished apologists for the idle gentry who live on the labor of others, the wasters, the speculators, the gamblers in human merchandise—all strut the earth and chant the praises of the social order built upon such rotting human foundations.

And now to your work with your salvaging corps, your bands of mercy and love. Be sure that only the "worthy poor" receive your ministrations. Some of the ragged may be encouraged in a career of "laziness" if not carefully investigated, listed, charted, and indexed. Each one is a "case," as you know, and the whole pageant must be interpreted in terms of statistics and analyzed in accord with that "rugged individualism" which the successor of Coolidge has told us is the basis of our glorious "civilization." This is the age of efficiency, and unless you pry into the most intimate details of the wretched, their ancestry, their habits, and their family histories, you might make a mistake in relieving some famished man or woman. Follow the course of—

Organized charity, scrimped and iced,

In the name of a cautious, statistical Christ.

Do not misunderstand us. We would raise no bar against your mission of mercy. We would not prevent your descent into the pit to bring light, heat, clothing, food, and comfort to its inhabitants, even though it be for only a day, a week, or a few months. It is the best that you have discovered and it is necessary, but it is not a substitute for the industrial equity and social justice that must replace it. Necessary as this mercy is, it merely mops up some social pus and for a time keeps your wretches reconciled to their fate.

CHANGE OF REFERENCE

Mr. REED of Pennsylvania. I ask unanimous consent that the Committee on Claims may be discharged from the further consideration of the bill (H. R. 4029) for the relief of Maude A. Sanger, and that it be referred to the Committee on Finance. It is one of a large number of bills dealing with the war risk insurance act. I understand the Committee on Claims has no objection to this change of reference.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Without objection, the change of reference will be made.

PAVING OF DRY VALLEY ROAD, GEORGIA

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3881) to provide for the paving of the Government road known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

Mr. HARRIS. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GREENE, Mr. McMASTER, Mr. BROOKHART, Mr. FLETCHER, and Mr. TYSON conferees on the part of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 7010. An act to amend the organic act of Porto Rico, approved March 2, 1917; to the Committee on Territories and Insular Possessions.

H. R. 7452. An act for the erection of a tablet or marker to be placed at some suitable point at Alford's Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart; to the Committee on the Library.

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926; to the Committee on Civil Service.

H. R. 14152. An act to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard; to the Committee on Military Affairs.

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives; and

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

H. R. 13978. An act to amend section 5 of the act of March 2, 1895, relating to official bonds; and

H. R. 14150. An act to amend section 279 of the Judicial Code; to the Committee on the Judiciary.

H. R. 6496. An act granting the consent of Congress to compact or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compact or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compact or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compact or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compact or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 167) limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1928, and for other purposes, and that the House had receded from its disagreement to the amendment of the Senate numbered 7 to the bill.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

RELIEF FOR PORTO RICO

Mr. BINGHAM. Mr. President, in view of the very great distress in Porto Rico and the need for immediate action I ask unanimous consent that the joint resolution which came over from the House this morning and which is exactly the same as a joint resolution now on the Senate Calendar, except that instead of a loan fund of \$10,000,000 it provides for a loan fund of only \$6,000,000, may be immediately considered.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives, which will be read.

The joint resolution (H. J. Res. 352) for the relief of Porto Rico was read the first time by its title and the second time at length, as follows:

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047, of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees in the coconut plantations were destroyed and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, etc., That there is hereby created a commission, to be known as the Porto Rican Hurricane Relief Commission (hereinafter referred to as the commission), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

SEC. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and, without regard to the classification act of 1923, as amended, to fix the compensation of a secretary and such clerical and other assistants; and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture, and may request and accept the cooperation of the insular and municipal governments of Porto Rico in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of \$50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

SEC. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of \$25,000 to any one individual. The rate of interest upon each such loan, beginning with the fourth year, shall be 5 per cent per annum, but the commission may, in its discretion, defer the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made by the commission itself or through such agencies as the commission shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated the sum of \$6,000,000, of which \$3,000,000 shall be made immediately available, \$2,000,000 shall be made available on January 1, 1930, and \$1,000,000 shall be made available on January 1, 1931. All money received during a period of five years from the date of the approval of this joint resolution as repayment of any loan or interest on loan made under the provisions of this joint resolution shall be held by said commission as a revolving fund, which may be loaned on applications for the purposes and upon the terms and conditions herein provided, and all money received thereafter as payments of interest and principal on all loans made under the provisions of this joint resolution shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of \$2,000,000 to be used for the rebuilding and repair of schoolhouses

damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of \$100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SMITH. Mr. President, when a similar Senate joint resolution was brought up previously I called attention to conditions which existed in certain of the Southern States and introduced an amendment to the joint resolution.

I want to state, before any further action is taken in this matter, that I called in certain officials both of the intermediate credit bank and of the Department of Agriculture. Not taking sides either way, but with their aid and at their suggestion, I drafted a resolution under which the relief proposed to be extended to the Southeastern States will be under an entirely different administration. It will not interfere at all with the administration of the proposed relief to Porto Rico, but will be administered through the Agricultural Department and its farm-extension agents, just as the grain-seed relief was extended to certain Western States in the time of their adversity.

I am going to propose this resolution as an amendment to the Porto Rican joint resolution, because it would not, as I have stated, interfere at all with the administrative features of the Porto Rican measure, but would give the same character of relief to our own citizens who are suffering as acutely because of the visitation of that storm as people could possibly suffer materially. The area covered is of such extent that the States themselves can not adequately take care of the situation. I need not call the attention of the Senate to the fact that we have a farm-relief problem that was intense without an additional disaster caused by the weather which practically wiped out the proceeds of the labor of a year.

I am not going to object to the immediate consideration of the Porto Rican relief joint resolution, for the reason that I believe and know that the people of Porto Rico are suffering as greatly as, or perhaps more greatly, than are our people; but the degree of difference does not make the situation any less mandatory on our part to do what we can for our own at the same time that we are trying to relieve our adopted brothers.

Mr. SMOOT. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. I yield.

Mr. SMOOT. I ask the Senator if his proposed amendment to the joint resolution has been referred to any committee of the Senate?

Mr. SMITH. It has not been referred to any committee of the Senate. I did not have the time to take that action. The resolution was introduced in the House of Representatives. As a Porto Rican relief joint resolution had been submitted, as the conditions which exist in our section are similar to those which exist in Porto Rico, as the Agricultural Department working through its farm extension agents has itself collaborated in framing the joint resolution relating to relief for the South, which joint resolution has already been submitted to the proper House committee, and as time was pressing, I thought it was best to offer it as an amendment to the pending joint resolution. This amendment is identical with the joint resolution which was introduced in the House of Representatives, and upon which hearings have been had before the proper committee of that body.

Mr. McNARY. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. I yield.

Mr. McNARY. I am not at all conversant with the situation, but I assume from what the Senator has said that he has brought in an amendment to the Porto Rican relief measure covering losses in his own State.

Mr. SMITH. I beg pardon, but I did not hear the statement of the Senator from Oregon.

Mr. McNARY. I should like to have the amendment read to the Senate, in order that we may understand what is proposed to be done.

The VICE PRESIDENT. The clerk will read the amendment.

Mr. SMITH. Mr. President, I now understand the Senator's question, though I did not do so at first because of confusion in

the Chamber. I have offered an amendment to include all of the stricken region in the Southeast. I have a copy of the amendment, which I send to the desk, and I ask that it may be read.

Mr. McNARY. I should like to have the amendment stated, because I am not familiar with the situation as it is now being presented by the able Senator from South Carolina.

Mr. SMITH. I ask that the amendment may be read.

The Chief Clerk read as follows:

SEC. —. The Secretary of Agriculture is hereby authorized, for the crop of 1929, to make advances or loans to farmers in the storm and flood stricken areas of the southeastern United States where he shall find that an emergency for such assistance exists for the purchase of seed of cotton, corn, legumes, and vegetable crops, feed for work stock, and fertilizer, and, when necessary, to procure such seed, feed, and fertilizers and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed and fertilizer thus obtained by him for crop production. A first lien on the crop to be produced from seed and fertilizer obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of \$3,000. All such advances or loans shall be made through such agencies as the Secretary of Agriculture may designate. For carrying out the purposes of this section there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$15,000,000, to be immediately available.

Mr. McNARY. Mr. President, the amendment now offered is clearly expressed and seems to apply to all of the stricken regions of the South Atlantic States. I doubt, however, the wisdom of the practice suggested by the Senator from South Carolina. Heretofore all measures of a similar character have been referred to the Committee on Agriculture and Forestry, which has exclusive jurisdiction, and the practice has obtained uniformly, as I recall, that the benefaction extended shall be by way of appropriation of money for seed purposes only, with a lien upon the growing crop.

Without consideration by a committee, and particularly by the committee having jurisdiction, I repeat, I doubt the wisdom of a practice of this character and the going into a field heretofore unexplored, and attaching it as an amendment to a measure offered to meet a situation entirely foreign to the problem which obtains in the Southern States. I am interested that the committee having jurisdiction and being familiar with agricultural problems should have that question submitted to it for consideration and analysis, in conformity with a practice which has been uniform in its application, as I recall.

I say to the Senator, with a sympathy for the people who have suffered in the South, that if he will allow his resolution or amendment to be referred to the committee having jurisdiction, not later than to-morrow at 10 o'clock I will call a meeting of the committee to consider the proposal.

Mr. SMITH. Mr. President, since I have taken the position which I have taken in reference to this relief proposal, I would be perfectly willing to accord to the suggestion of the Senator from Oregon if the Senator who has the Porto Rican measure in charge will not ask unanimous consent for its consideration to-day. In that event I will ask that the resolution I have presented, and which I have proposed in the form of an amendment to the pending measure, be referred to the Committee on Agriculture and Forestry, that committee to have a meeting in the morning, canvass the situation, and make such report as in their wisdom they think the situation justifies. Then, whatever may be done, I will, if, in my judgment, it seems the proper thing to do, propose this resolution as an amendment to the House joint resolution if we may bring that measure up for consideration to-morrow.

Mr. BINGHAM. Mr. President—

Mr. McNARY. Mr. President, may I be pardoned for a moment by the Senator from Connecticut?

Mr. BINGHAM. Certainly.

Mr. McNARY. What course did the resolution in which the Senator from South Carolina is interested take in the House? Was it referred to the Committee on Agriculture of that body?

Mr. SMITH. I think it was; yes.

Mr. McNARY. What was their report?

Mr. SMITH. I have not the report before me. This amendment is one that is identical with a resolution that has been introduced in the House.

Mr. McNARY. And referred to the Committee on Agriculture, I assume?

Mr. SMITH. I think it was; I know the committee had a hearing.

Mr. McNARY. But that committee has taken no action with respect to the merits of this measure?

Mr. SMITH. No.

Mr. McNARY. Would it not be better, I ask the Senator, with a full sympathy for his constituency, to refer this matter to the Committee on Agriculture—I promise that committee will function promptly—and let it be reported by that committee as a separate measure, because it pertains to relief in the Southern States?

Mr. SMITH. The Senator suggests that it is best for us, under all conditions, to act according to our custom here in referring these matters to committees; but the exigencies of this case in the South, to all intents and purposes, are as pressing as are the conditions in Porto Rico. The Senator must know that I would not stand here and take the time of the Senate if the conditions for which I seek relief were not practically as distressing as the conditions in Porto Rico which it is sought to relieve. We have now before the Senate a measure which has already been before a committee and been reported out, and which has likewise passed the House; and I offer in my own capacity an amendment to that measure. I am going to vote for the Porto Rico resolution, but as the destruction of property in the Southeast came from identically the same source and was suffered in practically the same degree I do not think that I would be justified in voting to relieve the one situation and leaving the other to be taken care of at another time, because both measures seek to provide relief for suffering and distress which occurred at the same time. As the Senate can be advised by the officials of the Government who have visited this region as well as by those of us who represent it, I do not see why it is not proper to have this amendment attached to the pending joint resolution which has come here regularly and to have a vote upon it. If, however, the Senator from Connecticut will grant us one day more, I should like to discuss this question before that measure is taken up.

Mr. McNARY. May I make this observation? I appreciate the sympathy that the Senator from South Carolina has for those who suffer and with the problem of agriculture generally, but the Senator, as a very active and important member of the Committee on Agriculture and Forestry, remembers that heretofore we have always limited relief in such cases to the purchase of seed.

Mr. SMITH. Yes, Mr. President; but—

Mr. McNARY. Pardon me for just a moment. In this particular instance, as I gathered the language as read by the clerk, the proposed amendment carries seed, fertilizer, and something else.

Mr. SMITH. Those are the principal things.

Mr. McNARY. There is another.

Mr. BINGHAM. Feed.

Mr. SMITH. Feed for stock.

Mr. McNARY. Feed for stock. The committee in its practice heretofore, and under the precedents, has never gone beyond the mere purchase of seed. I think it is important, I say to the distinguished Senator, that we determine after some consideration whether we will go as far as he wants to go as indicated by his amendment. Consequently, I think the committee ought to consider the various factors involved in this amendment. I again say to the Senator that I shall call a meeting of the committee to-morrow morning at 10 o'clock and he will have quick action, one way or the other; but I think, in the interest of uniformity in legislation and in the wisdom of a practice that has always obtained here, that this amendment should take the regular course. I simply appeal to the judgment of the Senator, in which I have great confidence.

Mr. SMITH. Let me make this suggestion to the Senator: Suppose we refer both of these resolutions to the Committee on Agriculture and consider them together? The features of the one I offer in practically all particulars are the same as those of the one which provides for relief in Porto Rico. I have tried to draw this amendment so that it would cover the absolute needs of our situation. If we could refer both matters to the committee, so that we could have them there unacted upon, we could act more intelligently than upon one of them alone.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. GEORGE. I wish to inquire if the joint resolution for the relief of Porto Rico is confined to the purchase of seed?

Mr. SMITH. I should like to ask the Senator in charge of the measure if the Porto Rican joint resolution is confined to the purchase of seed alone?

Mr. BINGHAM. No, Mr. President; the situation is entirely different; and may I say at this time that I hope very much that the Senator will withdraw his amendment and introduce

it as a separate measure and let it go to the Committee on Agriculture and Forestry, which has always had the consideration of questions dealing purely with farm relief.

This is a matter concerning which the Committee on Territories and Insular Possessions has entire jurisdiction, being a matter concerning the people of Porto Rico, over 100,000 of whom are starving at the present time and are being fed daily by the Red Cross. There is no similar situation in the United States. If there were it would not concern the committee of which I have the honor to be chairman.

The House of Representatives put this measure through yesterday without any objection, and without any amendments from any State or quarter of this country being attached to it, realizing that it was a matter of great concern, and that the people of Porto Rico needed immediate relief. It is not a question which concerns the Committee on Agriculture and Forestry so much as it is one which concerns the Committee on Territories and Insular Possessions.

The two matters, being so different, should be considered by two separate committees. Our committee met, and heard people from all quarters. No amendments whatsoever were offered of the nature to which the Senator from South Carolina refers. The matter was unanimously reported by our committee, and has been unanimously passed by the House. I hope very much that the Senator will see the justice of having his measure referred to the Committee on Agriculture and Forestry as a separate proposition, since it changes the agricultural policy of this Government in its connection with the farmers on the mainland of the United States.

Mr. SMITH. Mr. President, in reply to that, I want to say that I do not recall any specific case where relief of any kind has been extended to the South Atlantic States. The seed bills that we have passed from time to time referred to the section of the country where fertilizer is not indicated. Down in our section it is the *sine qua non*. It is the most expensive element in agriculture. Without it, you need not have seed; you need not have feed. In my section fertilizer is as essential to the production of a crop as irrigating water is to the production of crops in the West. It is the very basis of crop production. Without artificial fertilization there is practically no return.

For that reason, inasmuch as all that these farmers had was destroyed, and fertilizer is essential for the production of a crop, I put it in, having in mind the fact that we had never before asked for any relief that I can recall. If we did, we certainly did not get it; but I do not recall our ever having asked for it. But as fertilizer is so essential, as every man here representing the South Atlantic States must recognize, and as the floods in these stricken regions carried away all the feed for the animals as well as the food for human beings, I incorporated those things without which they can not go on.

As to the amount, that remains for the Senate to decide. I do not know that there is any great difference in regard to that.

Mr. NEELY. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. SMITH. I do.

Mr. NEELY. I desire to ask what is the regular order. I understood it was the Hawes-Cooper bill.

The VICE PRESIDENT. This is a joint resolution from the House of Representatives.

Mr. SMITH. It is the one that we are now discussing. Mr. President, I understand that in the case of relief for farmers the precedent was simply a matter of the purchase of seed; that was all they had asked for. In this case, the seed would be practically useless without the fertilizer essential to the production or maintenance of the crop. Therefore I incorporated it in this amendment, after consultation with members of our different departments who understood the situation.

I do not want to prejudice the case at all; but I should prefer, individually, that this matter be held over until such time as the Agricultural Committee could discuss it, and then let the two come along together. After the committee to-morrow shall have canvassed the situation, I am perfectly willing to have the Senate take whatever action it may see fit to take upon it.

Mr. JONES. Mr. President, may I ask the Senator a question?

Mr. SMITH. Certainly.

Mr. JONES. Does not the Senator think it would be the wiser course for Congress to consider each situation of this kind on its own merits? In other words, it would look as though we were making what is ordinarily called a sort of logrolling proposition. It seems to me that each incident of this kind should be considered upon its own merits. I am satisfied that the Senator's proposition will be considered squarely and fairly.

It does seem to me, however, that it ought not to be connected with a proposition of this kind, which should be considered solely upon its own merits.

Mr. SMITH. Mr. President, the Senator speaks about logrolling. In the midst of the unspeakable suffering of our people, I do not like to talk about logrolling.

Mr. JONES. I do not like the term, either, and I am not applying it to the Senator's proposition, except that it does seem—

Mr. SMITH. I have not tried to take advantage of any legislative situation. I simply have tried, while the matter of the distress caused by the storm of September 14 and 19 was before the Senate, to bring to its attention the fact that the same disaster visited our own people, and that they are suffering; and when we are considering sending help to aliens, why can we not consider our own people? That is all I ask.

Mr. JONES. This seems to be the situation: I have not been on any of the committees having jurisdiction of the subject; but my understanding is that the joint resolution that has passed the House and come over here has been considered by the House committee and the Senate committee, acting jointly, while the Senator's proposition has not been considered or passed upon by any committee.

I am in sympathy with the Senator's proposition so far as I know it; but it does seem to me that he ought not to insist upon attaching it to an independent proposition. In other words, it seems to me that each proposition of this sort should be considered upon its own merits. I have not any doubt but that the Senator's situation will be considered upon its merits, and passed upon by the committee upon its merits.

I want to appeal to the Senator not to delay this proposition—which, as I understand, has been considered very carefully by the committee of the House and the committee of the Senate—but to allow it to be acted upon under the assurance of the Senator from Oregon that the Senator's proposition and situation will be given early consideration and fair consideration, and a just conclusion will be reached upon it, and fair action taken by the Senate.

Mr. SMITH. Mr. President, when this terrible visitation occurred Members of this body went down to Porto Rico and studied the situation. It was terrible. The destruction of property other than crops was terrific, but it was no greater in degree than in certain sections of our country. It is very discouraging to one who desires to consider himself, and is in fact, a part of this great country, and his section an integral part of it, to find that not a single one except those from the section immediately affected have seemed to take any interest whatever in the distressed condition existing there. What I desire is to see whether or not this body will recognize the existence in the South of a condition similar to that which they have so assiduously sought to relieve in Porto Rico.

Mr. JONES. Mr. President, may I ask the Senator a question?

Mr. SMITH. Yes.

Mr. JONES. Has any bill or joint resolution on this subject been introduced by anybody from this stricken region?

Mr. SMITH. This is the Fulmer joint resolution, which was introduced the first or second day after Congress convened and referred to the committee, and upon which hearings were had. I do not know just what stage the measure has reached in the House; but I have been informed that it was drawn in collaboration with those who have charge of the extension work.

Mr. JONES. As I understand, however, no such joint resolution has been introduced in the Senate by anybody from the stricken area. It has not been brought to the attention of any Senate committee.

Mr. SMITH. Just at the time when I had given notice, through the press and otherwise, that I was preparing such a measure, the Congressman came over and showed me a copy of his joint resolution. My disposition was to wait until the House could act upon that joint resolution. In the meantime this measure came up; and being of the same nature, and the disaster being caused by the same force, the Senator can see how it appealed to me that this was the time for me to take what had already been carefully drafted and offer it as an amendment to the Porto Rican measure, believing that the Senate recognized the necessity of relieving our own citizens as well as our semicitizens.

Mr. JONES. I am not criticizing the Senator's position. I think he had a right to assume that it was proper to wait until action had been taken upon the joint resolution or bill introduced in the House for his section; but I think he should continue to follow that course. I think, if I may properly say so, that the House should act upon that joint resolution

and send it over here, and then let it go to one of our committees and be acted upon promptly.

Mr. SMITH. No, Mr. President; being myself within that region, I do not think my duty to my constituents and to the people of this country calls upon me to await whatever exigencies may exist in the House. I am not acquainted with what they are doing. I only know what my particular duty is; and that is what I am trying to do.

Mr. JONES. Mr. President, I gather from the Senator's statement that he conferred with the Member of the House, or the Member of the House conferred with him, and that it was rather agreed that the House Member would introduce the joint resolution in the House; otherwise the Senator would have introduced it here.

Mr. SMITH. Oh, no; he just brought his joint resolution to me, and said "This is what I have introduced in the House;" and, as I recall, he said that hearings had been had, or were in process of being had, upon it.

Mr. JONES. I do not say this in any critical way at all; but it would seem to be the proper thing for the Senator to introduce his joint resolution in the Senate and let it go to the Senate committee to be dealt with in conjunction with the House. If he should get his measure through first, of course it would go to the House. If they should get theirs through first, then it could be taken up here in the Senate.

Mr. SMITH. I understand, Mr. President. If it were not a case of distressing emergency we could talk about precedents, and so on; but this is a case of distressing emergency. The first of the year is almost here, and those who are in the region to which I have referred must know whether or not they will have to continue in their present condition. If they do not get relief, they can not go on. Any man who will visit that section will come back with the unqualified statement that there are hundreds of thousands who, if they can not get some relief, will have to move out and abandon their property. That is the situation.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. WATSON. I am sure we all appreciate the Senator's loyalty to his constituents, and his desire to serve them; but I believe that the Senator must know, upon reflection, that the case of the people of Porto Rico at the present time and those of his own State, or even of Florida, or any others in the stricken area of the South, is not parallel with that of Porto Rico. The question in his State is one of agricultural resuscitation and rehabilitation. In Porto Rico it is a question of feeding starving thousands of men, women, and particularly children. It can not be postponed to a later date. We shall be remiss in our duty to those people if we do not grant immediate relief and save them from unutterable despair.

The Senator has said that our first duty and obligation must be to our own people. The Porto Ricans are citizens of the United States, and not only citizens, but, in a very peculiar sense, they are the wards of this Republic. We took them by force. No plebiscite was held; no vote was taken. They were brought in as the result of war, and the simple truth is, I say to my friend, that they are in no better situation and condition to-day in Porto Rico than when they came into the United States and under the dominion of its flag.

If the Senator had read the testimony given by the directors of the Red Cross in Porto Rico, I know that his heart would have been touched. I know that he would have come to the conclusion to which any man must come who reads that testimony, that we have not fully and faithfully discharged our duty to the people of that island, who to-day are our wards, and who yet are suffering because of our remissness of duty, in my judgment.

Before the recent storm there was great disturbance and distress through the island. The death rate in Porto Rico is twice as great as it is in the city of New York; the number of cases of tuberculosis three times as great. Pellagra, or hookworm, affects thousands and tens of thousands of children, all because of underfeeding and undernourishment, and since this terrific storm swept over the island and destroyed their coffee plantations and their citrus-fruit groves, starvation faces them, and in multiplied thousands of instances unless immediate relief be furnished by this Government they must of necessity suffer and die.

There is no such comparable condition in the State of my dear friend from South Carolina. In South Carolina it is a question of agricultural resuscitation, but there is no such condition such as that presented to us to-day in the island of Porto Rico.

I ask my friend, simply as a matter of humanity as well as of justice, to make no objection to this resolution at this time,

but permit it to pass in order that immediate service may be rendered to the suffering people of Porto Rico. Then afterwards, I will say to my friend, his measure will have due consideration by the Senate of the United States.

Mr. SMITH. Mr. President, the Senator and others who have spoken on this subject would, by inference, put me in the attitude of being less sympathetic with the Porto Ricans than they are. I suspect that I am really and fundamentally more in sympathy with them than any of these gentlemen. A fellow feeling makes us wondrous kind, and I want to see those people relieved. But our duty to Porto Rico in no sense lessens our duty to our own people.

I am going to make this proposition: If this joint resolution, without my amendment, shall be taken up and disposed of, whatever may be done with it, I shall ask unanimous consent that whatsoever action the Committee on Agriculture may take on the measure I intend to present shall be reported to the Senate to-morrow and shall be taken up for consideration in the morning hour to-morrow.

Mr. WATSON. A parliamentary inquiry. How will that affect the present order of business?

The VICE PRESIDENT. If the agreement is made, it will not affect the existing order of business.

Mr. McNARY. Of course it would not affect the existing order if there shall be a morning hour. But no one has given assurance yet that there will be a morning hour to-morrow.

Mr. SMITH. I mean that it shall have consideration the first thing; I do not care whether there is a morning hour or not.

Mr. McNARY. If there should be no morning hour, and some measure other than the unfinished business were taken up, it would interfere with the unfinished business. I would suggest to the Senator to incorporate in his agreement that we adjourn to-day until 12 o'clock to-morrow, so we would have a morning hour to-morrow. That would prevent any collision with the unfinished business.

The VICE PRESIDENT. Committee reports would not be in order if adjournment were not taken, so such an agreement would interfere with the existing order of business.

Mr. SMITH. I did not understand the ruling of the Chair. May I have the last statement repeated?

The VICE PRESIDENT. If the Senate should take a recess, action such as that suggested by the Senator would interfere with the existing order of business. The report of a committee would not be in order if the Senate took a recess until to-morrow. If the Senate should adjourn until to-morrow, it would not interfere with the unfinished business and the existing order if the agreement were made.

Mr. JONES. Mr. President, I would have no objection to the report being received to-morrow and going to the calendar, but I think the Senate ought to have some opportunity to see what is reported and what is recommended by the committee. I would have no objection to its being brought up day after to-morrow, after it has gone to the calendar for one day, so that Senators may have an opportunity to study the report and see what conclusion the committee has come to. But unanimous consent that a measure shall be taken up immediately upon its report, before anyone has had opportunity to study the report or to see the terms of the measure, I can not agree to. I would not object to the measure being reported to-morrow, whether we recess to-day or not, and the report going to the calendar. Then I would not object to taking it up day after to-morrow. If the Senator will put his request in that way I shall make no objection to it.

Mr. SMITH. Very well, Mr. President. Then I ask unanimous consent that on Thursday, immediately upon the reconvening of the Senate, we proceed to consider the measure reported by the Committee on Agriculture in pursuance of the resolution which I shall now introduce, if we reach the agreement, and it shall be referred to that committee.

The VICE PRESIDENT. Is there objection?

Mr. FRAZIER. Mr. President, I think the Senator from South Carolina has taken a proper step in presenting his amendment at this time. In view of the action that has been taken on the farm-relief question, in behalf of our own farmers here in the United States, in the past, it seems to me the Senator should perhaps be just a little suspicious of what might happen to his resolution if he lets it go over. The farmers in South Carolina have been hit by a hurricane, and they are in need of relief, just as much as are those poor people down on the islands are in need of relief.

Not only the farmers of the Senator's State but the farmers of all the other States of the Union have been hit by some sort of a hurricane during the past few years and need relief, too. Back in the war time we had a war-time hurricane that fixed

the prices of the farmer's products and let everything else soar to the skies. We had that hurricane to contend with. Then, afterwards, we had a deflation hurricane that struck us and blew thousands on thousands of farmers clear off their farms. Down in the South they have the cotton gamblers' hurricane, that manipulates the cotton prices so that the cotton farmers can not make anything from raising their cotton.

Up north we have the wheat gamblers' hurricane, and there was some sort of hurricane that struck the fruit growers and potato growers this fall. In my State, where we raise potatoes, the farmers could not get a price high enough to enable them to pay for the picking and hauling of the potatoes to market. Potatoes were a drug upon the market, because some sort of hurricane struck us. The farmers up there need relief, too. During the last seven or eight years the farmers throughout this Nation have been forced to leave their farms through some sort of manipulated hurricanes to the number of some five or six or seven hundred thousand each year.

I think the Senator should insist on his amendment to the joint resolution right now.

Mr. WHEELER. Mr. President, if the Senator will yield for a second, I was going to suggest that he ought not to insist on any effort to cure the conditions the Senator has described in North Dakota and the Northwest, because when Mr. Hoover comes in I am sure he is going to cure all of those things, and we ought to wait and give him a chance to perform the miracles which he promised to the people of those States.

Mr. FRAZIER. That may help some.

Mr. SMITH. Mr. President, let me make this statement: Whatever concessions I make to the order of business, I am making—if I shall make any—with the hope that the condition that I am here pleading for shall receive the same prompt attention and consideration in this body that the Porto Rican measure will receive. I think I am entitled to that, and I have a right to insist on it. I certainly am obliged to the Senator from North Dakota [Mr. FRAZIER]. I appreciate his sympathy.

I ask unanimous consent that on Thursday morning the report of the Committee on Agriculture on the measure, which I shall introduce and send to the Committee on Agriculture, shall be considered. I make that request.

The VICE PRESIDENT. Is there objection?

Mr. WATSON. What is the request? I could not hear it.

Mr. SMITH. Just one moment.

Mr. TRAMMELL. Mr. President, has the Senator from South Carolina any assurance that the committee will make any report on his resolution on Thursday or at any other time?

Mr. SMITH. I have the assurance of the chairman, but I think I would be willing to take a chance on that. I think we shall get a report of some kind, either favorable or adverse.

Mr. TRAMMELL. Mr. President, I am not going to object to the request for unanimous consent, but I want to make a statement. At the time the Porto Rican resolution was introduced by the Senator from Connecticut [Mr. BINGHAM], I asked to have it reported from the desk. At that time I made some brief remarks in regard to the situation in Florida—my State—a certain limited area of it having suffered similarly, to a great extent, to Porto Rico. While I shall not object to the consideration of the Senator's measure, I propose to offer an amendment to the pending joint resolution, when we reach that order, which will apply to my State in particular.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from South Carolina [Mr. SMITH]? The Chair hears none, and it is agreed to.

Mr. SMITH. I introduce the joint resolution for reference.

The joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood stricken areas of southeastern United States was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. TRAMMELL. Mr. President, if amendments are in order, I desire to propose an amendment to the pending joint resolution.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. Insert at the proper place in the joint resolution the following:

That the said commission shall also assist in the rehabilitation of agriculture in that area of the State of Florida which suffered from said hurricane on September 15 and 16, 1928, and shall make and extend to farmers and fruit growers within said area in the State of Florida loans upon similar terms and conditions as herein provided for the purpose of the rehabilitation of agriculture in Porto Rico: *Provided*, That no loan made in the State of Florida shall be for more than \$1,000 to any one farmer or fruit grower.

Mr. BINGHAM. Mr. President, am I to understand that the amendment is to go to the Committee on Agriculture and Forestry?

Mr. TRAMMELL. No; it is an amendment to the pending joint resolution.

Mr. WATSON. Does the amendment introduced by the Senator from Florida go to the Committee on Agriculture and Forestry?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida to the joint resolution.

Mr. CURTIS. Mr. President, what is the status of the joint resolution from the House which the Vice President laid before the Senate a few minutes ago? Is it now before the Senate?

The VICE PRESIDENT. It is, as in Committee of the Whole.

Mr. CURTIS. I understood the Senator from South Carolina [Mr. SMITH] to ask unanimous consent that it go over until to-morrow.

The VICE PRESIDENT. No; he asked unanimous consent that on Thursday the resolution which he had just introduced may be considered. It has nothing to do with the pending joint resolution.

Mr. CURTIS. Very well.

Mr. TRAMMELL. Mr. President, I offered the amendment to the pending joint resolution because it was at the same time that a limited area in the State of Florida suffered, and agriculture in particular, about as disastrously as did agriculture in Porto Rico. I believe, in view of the conditions which existed in that limited area as the result of the disaster, that the Florida situation should have consideration at the same time we are considering the Porto Rican situation. I have not proposed, however, by the amendment such general relief as that which is proposed to be afforded under the provisions of the joint resolution now being considered in relation to Porto Rico.

The measure which we are now considering provides for Porto Rico that an appropriation of \$2,000,000 shall be made for the purpose of building roads, both on the municipal system of roads and their highway system. This is a direct appropriation and gift on the part of the Federal Government. Within the storm area of Florida our roads suffered to quite an extent. There was great damage to highways in certain localities. But I am not seeking any assistance in that respect.

The joint resolution also provides for an appropriation of \$100,000 for the purpose of buying seed and nursery stock as a gift for the purpose of restoring their farms and their fruit-growing enterprises in Porto Rico. The amendment proposed by me does not carry with it any such provision. I am merely seeking by the amendment which I have offered to have the privilege extended to the farmers and fruit growers of Florida of obtaining loans through this commission for the purpose of purchasing seed and fertilizer or for the obtaining of nursery stock that they may return to their farms and fruit-growing activities in that particular locality.

In order to show that there is no disposition to ask for any fabulous sum, it is provided by my amendment that no one loan shall exceed the sum of \$1,000. The provision in the joint resolution with reference to Porto Rico is that loans may be made to the extent of \$25,000 to any one grower or producer in Porto Rico.

I submit that under the provisions as they are applicable to Porto Rico there will be a restoration of the citrus-fruit industry in Porto Rico; and yet, under the provisions of the measure, if we allow them to stand as they are without some additional legislation, we will withhold from the people of Florida, who were engaged in the citrus-fruit industry, any relief when they, in fact, suffered a similar disaster.

There were groves in the storm area in my State where the trees were entirely uprooted. I recall one concrete case of a locomotive engineer who had saved his money and had planted a grove some 17 years ago, I think he told me. That grove had reached a stage of bearing and was the source of some profit and income to him. The grove was in the storm-stricken district. He told me that it was entirely destroyed and that a piece of property which he regarded as worth \$25,000 a few days previously was absolutely worthless the day following the hurricane. Yet this body of American Senators, if my amendment shall be rejected, would presumably take the position that they should assist the people of Porto Rico in rebuilding their groves, but should withhold any assistance from citizens of our own country who have suffered from the same disaster.

Mr. BINGHAM and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Florida yield; and if so, to whom?

Mr. TRAMMELL. I will yield first to the Senator from Connecticut, who I think rose first.

Mr. BINGHAM. Will the Senator permit me to say that the fruit growers of Porto Rico have not asked for our assistance

in such a way as he would seem to imply. The chief aid is for coffee growers, who can not come back to the producing stage for five years. The citrus-fruit growers, although their crop was entirely destroyed and 5 or 10 per cent of their trees were destroyed, have not asked for aid and probably there will be very little of the aid required to assist any of them. It is required only in the matter of providing employment to keep from starvation 100,000 people in the mountains of Porto Rico, who work on the coffee plantations. I wish very much the Senator might withdraw his amendment and permit it to go to the Committee on Agriculture and Forestry, together with the amendment which the Senator from South Carolina [Mr. SMITH] proposed and which he so very generously withdrew at this time and asked that it might be referred to the Committee on Agriculture and Forestry, in order that the conditions affecting the States may be considered together, and that we may grant relief to the starving people of Porto Rico at the earliest possible moment.

Mr. TRAMMELL. I wish it understood, of course, that I fully appreciate that the situation is very distressing in Porto Rico, and I am heartily in sympathy with the policy of extending relief to them. But the fact that conditions there demand the consideration and the aid of the Congress emphasizes the fact that in certain territories in our own country our own citizens are entitled to some relief and some consideration. I desire to assist Porto Rico, but I do not care to go to the extent of ignoring the people of our own country who are in distressed circumstances. The picture is probably more extensive in regard to the distress in Porto Rico. There are probably more people there who have suffered, but in a certain territory within my own State, limited in area though it is, there is great distress among the people engaged in agriculture. They had their farm crops entirely destroyed. Not only did they have their crops and livestock destroyed, but they had their homes laid low by the same hurricane which laid low the homes in Porto Rico.

There are certain towns within my State which suffered most terribly as a result of the hurricane. The city of West Palm Beach, which I visited three days after the hurricane, is a striking instance. In the business section of that city I think there was not a single plate-glass window or store front in the entire town that had not been demolished. The stocks of goods had been flooded from rains which lasted throughout the hurricane. Going into the residential section, more particularly in that section where they had the more poorly constructed buildings, we found block after block of buildings absolutely demolished, and thousands and thousands of people were rendered homeless in that particular city. Out in the agricultural sections, particularly on Lake Okeechobee, hundreds of people lost their lives as a result of the flood.

Great damage resulted from the wind and rain, and practically all their farm homes were destroyed. I myself witnessed the fact that a number of buildings were completely demolished which had previously been occupied by the farmers. I saw one building which by wind and by flood had been washed half a mile from its original location as the result of the storm, and only by a miracle five people who were in the house were able to cut their way through the ceiling into the loft of the building and thus save their lives. So that so far as distress is concerned, so far as conditions which should appeal to the Congress are concerned, we have a similar condition in that particular locality in Florida.

Mr. WATSON. Mr. President, will the Senator suffer an interruption at this point?

Mr. TRAMMELL. I yield to the Senator from Indiana.

Mr. WATSON. Of course, suffering is suffering wherever it may occur, however limited may be its scope or however wide the territory it covers. The facts are that Florida is one hundred and seventy times as large as Porto Rico and has about the same population. The Red Cross authorities report that 5 per cent of the people of Florida were affected by this storm and that 95 per cent of the people of Porto Rico were affected, and that is the present situation. I am not abating one jot or tittle of our obligation to our citizens in the United States, in Florida, or elsewhere; but I do submit to the Senator in all fairness that an entirely different situation obtains with reference to the two. I am asking him whether or not he is not now willing to follow the example set by the Senator from South Carolina [Mr. SMITH] and refer his proposition to the Committee on Agriculture and Forestry, as did that Senator.

Mr. TRAMMELL. I will dispose of that suggestion a little later. I do not know whether I want to accept it or not. I rather think now it is an unreasonable request. I believe that American Senators should consider conditions of distress and an appeal for assistance on the part of citizens of their own country just as quickly and just as readily as they do

similar appeals that come from Porto Rico, and that the matter should not be deferred until some future day.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Florida yield for a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Pennsylvania?

Mr. TRAMMELL. Certainly; I yield for a question.

Mr. REED of Pennsylvania. I am wondering whether the Senator's remarks are intended to imply that the people of Porto Rico are not American citizens and that Porto Rico is not a part of this country?

Mr. TRAMMELL. Oh, no; I am not trying to convey any such impression as that; but so far as Porto Rican citizens are concerned, there is a difference and distinction between them and American citizens.

Mr. REED of Pennsylvania. I beg the Senator's pardon; a Porto Rican is an American citizen.

Mr. TRAMMELL. I am not opposing the Porto Ricans; I am heartily in sympathy with them, but I wish that I could obtain as much sympathy for citizens who live upon American soil as is being manifested here for citizens who live in Porto Rico. That is what I am seeking.

Mr. REED of Pennsylvania. A citizen of Porto Rico is as much a citizen of the United States as is a citizen of Florida or Pennsylvania.

Mr. TRAMMELL. Technically, of course—we are speaking technically now—I realize that, and the Senator from Pennsylvania need not attempt to enlighten me on that subject. I realize, from a technical standpoint, that is true. What I am appealing for is the same sympathy for people who live upon American soil as is being manifested for those who live in Porto Rico; the same sympathy for industries in our country as is being manifested for industries in Porto Rico. That is what I am appealing for; and I do not enjoy the idea of having the interests of our American people deferred to some future day. That is the reason why I am appealing for consideration at this particular time.

The Senator from Indiana [Mr. WATSON] has stated that Porto Rico is much smaller than is the State of Florida. I forget how many times smaller he said, but that probably the State of Florida was one hundred and seventy-five times as large as Porto Rico. That may be true; but the poor unfortunate orange-grove owner who lost his grove and had his trees uprooted is in just as distressed condition as are some persons who in Porto Rico had similar experiences. So is the poor unfortunate widow who wrote me from West Palm Beach, telling me at the time of her husband's death she had left to her a home which was estimated to be worth about \$10,000. She sent me a picture of it, showing nothing except the debris of her once nice, comfortable home, and telling in her letter, as she did, that at the time of her husband's death she thought she had a comfortable place in which to live and a reasonable income from the rent upon the building for the remainder of her life, but after the hurricane she found herself with nothing left but a lot, the building destroyed, her income gone, and she was absolutely penniless, with no means and no way in which she could obtain money to rebuild even a small, humble little building upon the lot which she owns in that city. I think, so far as her condition is concerned, it is just as distressing as is the condition of some one who may live on the soil of Porto Rico. It is for cases of that character and situations of that nature that I am pleading here and appealing to the Senate in the consideration of the disasters and the necessities for relief following the hurricane that some assistance be afforded.

I am not asking for relief to rebuild roads; I am not asking for assistance to rebuild public-school buildings; I am not asking funds for which to make a gift of seeds to farmers; but I am merely pleading and begging of the Senate that the people of Florida who are engaged in agriculture shall be given the same privilege upon similar conditions and terms of obtaining loans for the purpose of buying seed, fertilizer, and nursery stock, and that in our case in Florida the limitation shall be not exceeding \$1,000, while it is proposed to extend to citizens in Porto Rico the privilege of loans up to \$25,000.

Mr. BINGHAM. Mr. President, will the Senator from Florida yield to me?

Mr. TRAMMELL. I should like very much to have the Senate consider the situation, for, in principle, the affording of relief to the storm area in Florida is not unlike affording relief in similar circumstances to Porto Rico. In the magnitude and extent of the disaster, of course, the two situations might not be similar, but so far as the principles involved are concerned and the distress of a great number of citizens and of a considerable property interest in that limited area in the State of Florida, I think the two situations are quite similar.

Mr. BINGHAM. Mr. President, the Senate has by unanimous consent agreed to consider the situation in the Southeast day after to-morrow, upon the report of the Committee on Agriculture, and I very much hope that the Senator from Florida will offer his proposal as an amendment to the measure just offered by the Senator from South Carolina; that he will appear before the Committee on Agriculture to-morrow and be heard by that committee, and that they may establish the policy to be followed in the case of the distress of farmers in the continental United States just as the Committees on Insular Possessions both of the House and of the Senate have considered the policy to be established with regard to the suffering and distress growing out of the hurricane in Porto Rico.

It seems to me that would be the place where any such amendment should be considered; that it should not be brought up and added to a measure affecting one of our insular possessions, but should then be added to the measure which has been referred to the Committee on Agriculture for the relief of the Southeast. I hope the Senator will be good enough to pursue the course I suggest.

Mr. HEFLIN. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Alabama?

Mr. TRAMMELL. I yield.

Mr. HEFLIN. Will the Senator from Connecticut give us his kindly aid if the course which he suggests shall be taken?

Mr. BINGHAM. I said, when the amendment was first offered, that I should be glad to do all I could to secure assistance for the Southeast. That is in the Record when the matter was first brought up.

Mr. HEFLIN. Mr. President, I think the amendment offered by the Senator from Florida is a very meritorious one and I would vote for it even on the pending measure, but if the Senator from Florida wishes to pursue the course suggested by the Senator from Connecticut I do not think there will be any trouble about attaching his amendment to the measure offered by the Senator from South Carolina [Mr. SMITH]. I repeat, however, I am ready now to vote for the amendment of the Senator from Florida if he insists on it.

Mr. TRAMMELL. Mr. President, I realize the attitude of the chairman and members of the committee in charge of the pending joint resolution and also the attitude of a great many Senators. Sometimes we can read as we run and understand the situation. I feel very hopeful that the adverse attitude, which seems to be rather apparent to my resolution as an amendment to the pending measure, will not exist if it shall be considered as an independent proposal. I think, however, that the wrong course has been pursued. I think in the very beginning the committee should have brought in a bill dealing with the entire situation and not selecting merely Porto Rico for relief. I think that it should also have considered the people on American soil who suffered as the result of the same hurricane which brought disaster to Porto Rico.

Mr. BINGHAM. Mr. President—

Mr. TRAMMELL. I yield to the Senator from Connecticut.

Mr. BINGHAM. The Senator realizes, does he not, that the Committee on Territories and Insular Possessions has no jurisdiction whatsoever over any thing that may happen in continental United States, and it would have been entirely out of place for that committee to have considered any measure which might properly have gone to the Committee on Agriculture and Forestry?

Mr. TRAMMELL. That may technically be correct; but, as a matter of policy, I do not think that ordinarily the committees are so very jealous in regard to preserving their technical jurisdiction. I find that that situation does not prevail, generally speaking, on the part of the committees of the Senate.

Mr. President, in view of the fact that the Senator from South Carolina, who is also advocating certain relief because of conditions resulting from the hurricane of September 14 to September 16, has agreed to have his measure referred to the Committee on Agriculture, I am willing under the circumstances, of course, to have the proposal made by me considered by that committee. I hope, however, that the committee will give very careful consideration to the entire subject; and I further indulge the hope that the committee will recommend as great generosity for the people of the storm-stricken areas of Florida and other sections in the United States as has been recommended in behalf of the unfortunate people of Porto Rico and that we, too, for our sections in this country, may obtain relief. Such relief would not only be just but is, indeed, very necessary in certain localities on American soil. I repeat that under the circumstances I am willing to let the matter be considered by the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Florida is withdrawn and will be referred to the Committee on Agriculture and Forestry. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, in the face of appalling calamities legal restraints and constitutional limitations become slender reeds. The situation in Porto Rico caused by the hurricane, which swept from one end of the island to the other, excites the sympathy of all who are familiar with the facts. We are told that more than 90 per cent of the people of the island have suffered and that tens of thousands are without homes or employment. Hundreds of thousands are without adequate protection and suffering for want of food and a hundred thousand are on the verge of starvation. The Red Cross organization has done everything within its power to ameliorate the condition of the people, and its services undoubtedly have saved the lives of thousands. But its funds available for Porto Rican relief are practically exhausted, and the conditions there found call for a large measure of relief if suffering is to be mitigated and the death of thousands prevented.

Under conditions of this kind appeals for Federal aid are difficult to resist. If only a small section of the island had been visited by the destructive storm which swept over almost the entire island, there would have been no warrant for an appeal to Congress.

In considering this question it must be borne in mind that Porto Rico is not a part of the continental United States. It is distant from our shores but nevertheless is a part of the United States. Its inhabitants are American citizens. The island has but a few industries and its resources have limitations. The great majority of its people are engaged in producing coffee, sugar, and fruits. Those who are suffering most are persons of but limited means, and indeed, many had no possessions. Tens of thousands were employed in the growing of coffee and upon lands devoted to the production of various kinds of fruits. Unless something shall be done to relieve the situation, many thousands will die of starvation.

A catastrophe so overwhelming, one which practically sweeps an entire country, can not be overlooked. The American people deeply sympathize with their fellow citizens who are the victims of this great calamity. It is to be regretted that there are not agencies to deal with this most deplorable situation. Many of our people have generously contributed to the Red Cross and perhaps to other organizations to meet this great emergency.

The contributions made have been wholly insufficient and those who have made investigation and have brought the facts to the attention of Congress and the country declare that relief must be given immediately, not only to prevent further physical suffering, and indeed starvation, but to make it possible for the people of the island to find employment and for the lands that have been denuded of their trees and vegetation to again be made productive. We are told that it will take a number of years for the coffee lands to again be made productive, and that in the meantime, unless relief is granted, conditions will grow progressively worse. With these facts before us, it is difficult to urge constitutional questions or challenge the right of Congress to grant the relief called for in the pending measure.

Mr. President, there is serious question as to the constitutionality of the bill before us. It is quite likely that those who drafted the constitution did not intend to confer upon the National Government authority to deal with questions of this character, and to take the money obtained from the people, under the taxing power, and devote it to charitable purposes. However, there are some who may defend the bill before us upon the ground that it is an aid to agriculture and that for years Congress has been appropriating large sums to promote and aid agriculture.

My recollection is that appropriations have been made to purchase seed for farmers in draught-stricken parts of the United States. Congress has enacted measures under which loans have been made to aid agriculturists, the advances, as I now recall, being made under the direction of the Department of Agriculture. I am told that most of the obligations of the farmers to whom money was advanced were repaid. The present measure is somewhat similar to measures which I have in mind. At the last session of Congress several million dollars were appropriated for the alleged extermination of the corn borer, a pest which was injuring the corn crop in a number of States, and to compensate farmers in Texas for permitting certain lands to lie idle in order to exterminate a destructive cotton parasite. As a matter of fact, it was a direct aid to farmers within the States affected without any reimbursement to the United States.

The bill under consideration contains provisions for loans which are to be repaid to the Government. It is regrettable that conditions arise which become the basis of demands for Federal relief. Each measure that is passed in response to these demands swells the precedents and makes more difficult resistance to appeals, some of which may lack merit. The precedent having been set, it is difficult to draw the line and determine where relief may be justified.

Mr. President, I fear that appeals to Congress for aid will become more frequent by reason of the precedents which are being established, and it is quite likely many of the appeals made will be entirely lacking in real merit but will be pressed with such fervor as to break down all opposition. We are admonished by the Senator from South Carolina [Mr. SMITH] and the Senator from Florida [Mr. TRAMMELL] that they will press measures calling for relief for their States. They have insisted in forcible speeches just made, that conditions in their States call for relief; that the same storm which wrought such havoc in Porto Rico brought suffering and destruction to sections of their States.

Mr. President, States may do that which the Federal Government may not do; and, speaking generally, and without reference to the situation in South Carolina and Florida, I believe that under some circumstances States should make provision to afford relief to those who suffer from storms or tempests and other calamities which, from time to time, visit various parts of our country. I recall that in my own State quite recently a disastrous flood occurred which wrought considerable havoc and brought ruin to many people.

Two or three years ago a frightful explosion occurred in one of the coal mines in my State which snuffed out the lives of several hundred men. The families of most of them were left without means of support. Several years prior to that awful catastrophe an explosion occurred in a coal mine which resulted in the death of several hundred miners. Their families were left destitute. Appeals were not made to the Federal Government in their behalf. It was felt that the mining companies, the State, and its inhabitants should make provision for the relief of the suffering and sorrowing families.

Disastrous storms have visited Kansas, Nebraska, and other States, destroying farms and their crops and inflicting serious losses and damages. Congress has not granted relief in these cases. The Johnstown disaster, which many recall, swept away property of great value and carried many persons to their death. It was only a few years ago when, in Ohio, there were great floods which caused enormous damage and loss of life. Appeals were not made for Federal relief.

Mr. FESS. Mr. President, the Senator has referred to the disaster in Ohio. That was in 1912, when the Miami River broke its bounds, and flooded all of the cities for about 72 miles down to the Ohio River, including Dayton, through the main street of which water was running at the rate of 30 miles an hour as deep as the second stories of buildings. The State afterwards expended \$35,000,000 in the form of conservancy to protect those cities. They did not ask for any relief from the Federal Government.

Mr. KING. The State of Ohio, acting within her constitutional authority, did a splendid thing and met the situation, serious as it was, in a magnificent way.

Mr. President, as I have indicated, it is hard to resist appeals for Federal aid where a condition exists such as that in Porto Rico is presented. It is to be hoped that the action of Congress in dealing with the Porto Rican situation will not be invoked as a precedent for further appeals to Congress. The Porto Rican situation possesses features and characteristics differentiating it, I think, from other appeals which have been made and from some appeals which in the future may be addressed to Congress. Mr. President, expressing my deep sympathy for the people of Porto Rico, I can not help but regret that the Federal Treasury must be drawn upon to meet the situation. It is not a golden cornucopia to which resort may be had by all, and taxes should not be collected except for governmental purposes and should not be expended except within the limits of the Constitution.

However, in view of the precedents and the imperative necessity of immediate aid to prevent further suffering and death, I feel constrained to offer no opposition to the passage of the bill under consideration.

Mr. DILL. Mr. President, the discussion this afternoon regarding conditions in various parts of the country demanding the attention of Congress in connection with this joint resolution leads me to call attention to the fact that if this policy is to become the policy of the Government there is a situation in my own State that should be considered.

The people in the northern part of Stevens County, in the State of Washington, tilling their farms and living there as

citizens, have found that the fumes of a great smelter on the Canadian side of the line come across the line and destroy the vegetation on their land, destroy their crops, destroy their forests, and make them sick. We have appealed again and again to the Federal Government to exert its power in an international way to protect the people. Finally we secured an appropriation to have an investigation made; but we have no treaty rights under which we can compel this corporation to do anything, and one by one the farmers of that country are being driven out. Nothing can be done by the State, because the State has no right or authority as against the Canadian Government or a Canadian corporation. The banks of that country are beginning to close, and it is only a matter of a little time until the entire area, rich and prosperous as it has been, will have been devastated by the fumes coming from this smelter.

If this were an American corporation, our people could go into the courts and protect themselves. If it were a corporation in another State, that could be done; but, owing to the fact that it is in a foreign country, the people are absolutely without protection, are absolutely helpless; and the mere fact that their homes are being ruined, that their land is being made a desert, and they are being driven out slowly in no way changes the fact that they are being as literally destroyed in their homes and in their property as if it had been done suddenly.

It seems to me this is a dangerous policy to set out upon unless we are going to continue it to the point of taking care of the ruin that is done in all parts of this great country; and certainly we must take into consideration a condition such as I have mentioned in the State of Washington, where nobody who lives there is to blame.

Mr. FESS. Mr. President, before the Senate votes on the pending measure I should like to state that I regard the situation in Porto Rico as of such emergency that I shall not hesitate to vote for the relief measure. The remarks that have been made, however, are suggestive of the necessity, when we inaugurate a new policy, of having the matter go through all the legitimate committees and receiving proper consideration by them. It is very important; but I shall vote for the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

PRISON-MADE GOODS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

Mr. HEFLIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Kendrick	Shipstead
Barkley	Fletcher	Keyes	Shortridge
Bayard	Frazier	King	Simmons
Bingham	George	La Follette	Smith
Black	Gerry	Larrazolo	Smoot
Blease	Glass	McKellar	Steck
Borah	Glenn	McMaster	Steiwer
Brookhart	Goff	McNary	Stephens
Broussard	Gould	Moses	Swanson
Bruce	Greene	Neely	Thomas, Idaho
Capper	Hale	Nye	Trammell
Caraway	Harris	Oddie	Tydings
Copeland	Harrison	Pittman	Vandenberg
Couzens	Hastings	Ransdell	Wagner
Curtis	Hawes	Reed, Pa.	Walsh, Mont.
Dale	Hayden	Robinson, Ind.	Warren
Deneen	Heflin	Sackett	Waterman
Dill	Johnson	Schall	Watson
Edge	Jones	Sheppard	Wheeler

Mr. FESS. My colleague [Mr. BURTON] is unavoidably detained from the Senate on important business. I will let this announcement stand for the rest of the afternoon.

Mr. JOHNSON. I desire to announce that the senior Senator from Nebraska [Mr. NORRIS] and the junior Senator from Wisconsin [Mr. BLAINE] are absent on official business.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, there is a quorum present.

Mr. CURTIS. Mr. President, I understood that the Senator from West Virginia had the floor when we adjourned last night.

Mr. GOFF. Mr. President, I had promised the Senator from South Carolina [Mr. BLEASE], upon the matter that is now

before the Senate, to yield to him for some remarks which he desires to make concerning the measure before I proceed with the argument which I desire to submit to the Senate on the constitutionality, as well as the facts, of this measure. That Senator being in the Chamber, I shall now yield to him.

Mr. BLEASE. Mr. President, the Senator who introduced the pending bill has it very much at heart, and it is with a great deal of reluctance that I have anything to say against the passage of any bill in which he is so much interested. But the State which I have the honor in part to represent in this body is not in favor of interference with the rights of the States in such a way as this bill proposes. As to the legal question, I shall leave that entirely to the distinguished Senator from West Virginia.

I have had some experience with prison labor. My State at one time had a hosiery mill in her penitentiary and conditions reached such a state that it was absolutely necessary to have it abolished. I was instrumental in having it abolished, and it was on account of the fact that it was detrimental to the health of the people who were put into it without their permission.

We then had a problem of what to do with our convicts. I myself can not imagine anything more pitiful than to see an old man or an old woman taken off and put in a home, with absolutely no work, no task, just to sit there and wait until death comes along and removes them from their condition. I feel that in these homes for the aged, in all such cases, every man and woman should have some task; it does not make any difference how old the person is. If a man has been a farmer let him have two or three little rows out in a yard or a little patch. If he is a bootmaker give him a pair of shoes to mend. Give everyone something so that he can get up in the morning and feel that he has a task before him and that there is something for him to do; that he has a responsibility of some kind.

The same applies to the old woman. Give her part of the house to clean, or give her part of the yard to sweep, not that her work, or that of the old man, would be of any value, not that it would amount to anything, but it would be just a little something to let them feel that they have a responsibility, and are not just to sit around on the porch or in the house waiting to die, to get out of somebody's way. I do not think there is anything more miserable on this earth than that kind of a life for any man or woman.

Nor can I think of a greater punishment than to take a well, strong, hearty man and say to him that he must parade a corridor all day, or sit down and think about his people at home, sit down and think about the outside world, just sit in idleness. I think the convicts would welcome some kind of wholesome, clean work.

We established in my State a chair factory, possibly better called a furniture factory. In that factory there is no danger to health. It is not like the hosiery mill, where the window sash had to be kept down in order to keep the thread from blowing and tearing up the work. In that chair factory the laborers can have plenty of fresh air. They can take exercise. They have everything there that makes for their comfort and health.

What are we going to do with those convicts if we say there shall be no more convict labor? Farming them out has been tried, and that is the most cruel and unmerciful punishment you can inflict on them, to lease them out to somebody who says they have to get up at a certain hour in the morning, rain or shine, hot or cold, and go out and be kicked and beaten and knocked around, to try to make money, to make some man who is in some business more wealthy than he is. That is cruel.

It is just as cruel in some instances to put them out on the road and give some man, who has never even bossed a blind ox, a blacksnake whip and a pistol and say, "Now, you are the boss," and he will beat and kick and knock some poor devil around just because he is unfortunate enough to be a prisoner.

There are a good many people in prison in this country, Mr. President, who should not be there. There are a good many innocent people in the prisons of this country. There are other people who probably are justly in the prisons of this country, who have already paid the penalty for their crime, but, on account of the hardship of having to be tried before some judge who is unmerciful, are given long sentences, while other men who committed the same crime, possibly, or worse, perhaps struck a little more merciful judge and were given shorter sentences.

Then, if we look at the other side of the proposition, there are a good many people out of the penitentiaries of this country who really should be in them; if they had had their just deserts, they would have been there long ago. Sometimes we find them in legislative bodies making laws to govern other people.

I believe, Mr. President, if it is necessary to have either, it is better to have a poor Government and a rich people in preference to a rich Government and a poor people. I consider that good democracy.

In my own State, if we tear down this chair factory, we will deprive the State of South Carolina of a profit which will have to be made from some other source. Of course, if it is a matter of humanity, it does not make any difference about the dollars. Put the man above the dollar every time. When it comes to the matter of a human right or a human soul, it does not make any difference what amount of money is at stake, it should not be taken into consideration. Humanity, and the freedom of human beings, should come first at all times. But when it comes to the question of work, where it is really a help instead of a burden, I say that to take it from these people, and let them be idle and do nothing, inflicts a punishment that is greater than what we have to-day.

I repeat, if the right to make goods in prison is abolished in my own State it will make the burden heavier upon the people who have to pay the taxes of the State, because they are the ones who will be the sufferers.

Mr. President, who is demanding the passage of this bill? Somebody says the women are. I have not a thing to say against them, not a thing, but very often many people advocate things that they do not thoroughly understand.

I have been very much amused in the last few days by an incident of which I am now reminded. I have received some letters and telegrams asking me to lend my support and do all I could for a certain measure that will soon be pending in the Senate. Just for my own satisfaction I wrote back to several of those people and asked them if they had read the measure and understood it. Up to this time I have not received a single reply and I am sure it is because those who telegraphed and wrote me to support the measure had not read it and do not really know what is in it. But they want me to support it simply because some propaganda which has been spread by somebody has come to them and caused them to write me as they did. It may be possible that the same is true in relation to the prison-made goods measure now before us. It may be that certain people have some interest in it. It may be that people who really do not understand the situation and the condition that confronts the people of the country are pushing the measure.

Prison reform is a great question. A great many of us have studied it. In that connection I am going to ask permission, not to read, because I do not care to take up the time of the Senate, but to have printed in connection with my remarks in the RECORD certain extracts from a speech delivered by myself in Boston, Mass., at the governors' conference on August 24, 1915. There is a part of the speech which it is not necessary to print, as it does not relate to the question now before the Senate.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the request of the Senator from South Carolina is granted.

The extracts are as follows:

DUTY AND RESPONSIBILITY OF THE GOVERNOR IN DEALING WITH PRISONERS (Former Gov. COLE L. BLEASE, of South Carolina)

Mr. Chairman and gentlemen of the governors' conference, three-quarters of a century ago, in the historic city of Boston, one of the clearest thinkers that Massachusetts, or even the Nation, has yet produced, in an address upon Man, the Reformer, emphasized the thought that "every great and commanding moment in the annals of the world is the triumph of some enthusiasm." He cited as an example, "the victories of the Arabs after Mahomet, who, in a few years, from a small and mean beginning, established a larger empire than that of Rome." "But," he predicted, "there will dawn ere long on our politics, on our modes of living, a nobler morning than that Arabian faith, in the sentiment of love. This is the one remedy for all ills, the panacea of nature. We must be lovers, and at once the impossible becomes possible. Our age and history, for these thousand years, has not been the history of kindness, but of selfishness. Our distrust is very expensive. The money we spend for courts and prisons is very ill laid out. We make, by distrust, the thief, and burglar, and incendiary, and by our court and jail we keep him so. An acceptance of the sentiment of love throughout Christendom for a season would bring the felon and the outcast to our side in tears, with the devotion of his faculties to our service."

There is no crystal ball in which man may see portrayed the future, and little did Emerson think that two decades after he was so eloquently preaching this doctrine of peace and love this Nation would be plunged into four years of civil strife. When he said that "this great, overgrown, dead Christendom of ours still keeps alive at least the name of lover of mankind," and prophesied that "one day all men will be lovers, and every calamity will be dissolved in the universal sunshine," little did he reckon that 74 years later the

far-flung battle lines of Europe would stretch from hundreds to thousands of miles and that nearly the whole world would be in a death grapple, attended by cruelty and sacrifice and misery which passes human understanding. Millions of men are seeking each other's life blood, and—

"Few shall part where many meet;
The smoke shall be their winding sheet,
And every sod beneath their feet
Shall be a soldier's sepulchre."

But it has been the history of the world, in accordance with the slow but steady progress of the human race, that the darkest night is ever followed by the brightest dawn, and from the gloom which now enshrouds the land and the sea, will emerge a nobler civilization, which will continue to gain strength in an atmosphere purified by the shock of battle, and human nature must be softened by the blood that has been spilled and by the tears that have been shed and by the prayers of widows and orphans that have ascended to the throne of a pitying God.

You will pardon me for this digression; but the thought was suggested by the fact that the spirit which plunges nations into wars, except the nations which wage war against oppression, is the same spirit which has in centuries past led men to seek the cruel punishment of prisoners—a spirit which is vastly too much in evidence in this twentieth century.

Within the past few weeks we read in the newspapers of a man who had made an attempt upon the life of another being plied with questions until he was too weak to talk, then being walked up and down the corridors of his prison to revive him, then plied with questions again, and subjected to God alone knows what else, in the administration of the "third degree." Later this prisoner was found on the floor of his cell with his skull crushed in, and it was stated that he had climbed to the top of his cell door and jumped to the floor, killing himself. Whether he was murdered or whether he really committed suicide I do not know; but this I do know: That the suicide of any man who would hardly be unnatural under such circumstances, and that the treatment accorded him, before conviction, would have been a disgrace to our civilization even had it occurred after he had been tried and sentenced. As remarks a very distinguished southern minister of the Gospel, "the so-called third degree is a revival of the horrible method of the Spanish Inquisition, a species of torture to compel an accused person to incriminate himself, a flat contradiction of the humane principle of law that regards every person innocent until proved guilty." This "third-degree" method that is practiced in the North and the East and the West—less frequently, I am glad to say, in the South—whether a man be killed during its administration, or whether he be driven to commit suicide, or whether he be tortured sometimes into confessing crimes of which he may be innocent, is barbarity in a sneaking form, under the sanction of law, and those guilty of practicing it evidence a spirit as mean and contemptible as the malice which animates the midnight assassin.

As was eloquently said by a southern orator not long ago: "A nation of mollycoddles might meekly lie at the feet of popes and kings while schools were being abolished, libraries burnt, scientific research penalized, and the great mass of the people plunged into ignorance, superstition, and slavery; but such a nation never reared a Washington Monument or drank patriotic inspiration on battle fields where brave soldiers died or broke out into enthusiasm when the flags were flying and the bands struck 'Dixie'."

"Grape-juice dreamers may cry, 'Peace, peace,' but there is no peace anywhere, nor was there ever any. The elements have no peace; the stars have no rest; the clouds toss and tumble, float, or fly forever; the ocean always murmurs and always moves; the rivers do not stop, and the dews are ever going up or coming down; the storm is gathering its forces, or spending them, all the time; there is no peace. It seems to me, I remember something about 'mobs'; and, strange to say, these mobs are described as being pioneers of our independence and institutions. There was that Boston mob, whose picture used to be in all our histories at school. You can close your eyes and see it now; the British soldiers, standing in well-dressed line, muskets at their shoulders, and the smoke and flame bursting out at the muzzles—and the members of the mob falling to the ground. The firing on the Boston mob fired the American colonies, and the cry went all the way down to Savannah, 'The cause of Boston is the cause of us all.'"

The chief executive of a state has not a more serious duty nor a graver responsibility than the obligation imposed upon him in dealing with prisoners—and by prisoners I mean to include those in jail awaiting trial, with the presumption of innocence thrown around them by the law, as well as those serving sentences after conviction. The aim of the law—not some of the iniquitous laws written by man but the great moral law of God, which was in the beginning and shall ever be—exists for the benefit of society, and not for the punishment and degradation of offenders against the law. It is necessary to deprive men of their liberties, and sometimes of their lives, for two primary reasons—to remove them from society until they may be reformed and

to deter others from committing like offenses. To go beyond this is barbaric, inhuman, and in violation of the highest law. A state or a nation that allows its prisoners to suffer cruelties is guilty of a greater crime than the prisoners themselves have committed.

We have prisons and prison methods in the United States to-day which are a disgrace to any civilization, and there are thousands of prisoners who might well describe their condition in the words of Lord Byron's "Prisoner of Chillon":

"My hair is gray, but not with years,
Nor grew it white
In a single night,
As men's have grown from sudden fears;
My limbs are bow'd, though not with toil,
But rusted with a vile repose,
For they have been a dungeon's spoil,
And mine has been the fate of those
To whom the goodly earth and air
Are bann'd and barr'd—forbidden fare."

Or we might describe some of these prisons in the words of Cellini, written in a jail in the sixteenth century, 400 years before our boasted civilization of to-day:

"Mark well how glory steeps her sons in gloom.
You have no seat to sit on, save the stool;
Yet you were active from your mother's womb.
The knave who serves hath orders strict and cool
To list no word you utter, give you naught,
Scarcely to ope the door; such is their rule.
These toys hath glory for her nursling wrought,
No paper, pens, ink, fire, or tools of steel,
To exercise the quick brain's teeming thought."

When I assumed the office of Governor of South Carolina, I inaugurated in my State the parole system and granted hundreds of paroles. As I stated in an article which I wrote for a leading law magazine recently, I was as vigorously condemned on the one hand and so heartily praised on the other, for nearly every decision I reached upon each individual case, as any man who has ever been in public life in the history of this country. I cared not for the condemnation or the praise. I was seeking to do my duty under the constitution, to execute the laws faithfully in mercy, and striving to do the right and to give human beings who had made a mistake a chance to correct it and to do their part for the benefit of society. The parole system which I inaugurated was entirely successful. Out of the hundreds of paroles granted, very few of those receiving this clemency failed to lead good lives. They were given another chance in life, and they took advantage of their opportunity.

I stated to the general assembly of my State in regard to this matter that I considered the parole system the best system ever devised for the handling of convicts. In a letter of transmittal of the reasons which actuated me in each case, I said, among other things:

"Now, for instance, you parole a man during good behavior who possibly has served more than half of the sentence imposed upon him—sometimes they have been paroled when they had only three or four months to serve—you do not turn him loose, but say to him, 'Go forth, make a man of yourself, for if you do not, and you are ever convicted again, you have to go back and serve the remainder of the sentence imposed.' Now, if these men had gone ahead and served out their sentences they would be foot-loose to do as they please, and no restraint would be upon their actions. Even a life prisoner may be paroled; it is simply giving him another chance in life; and how many men who profess to be great Christians would be living and enjoying the blessings of this life had not God forgiven them and given them another chance? The parole during good behavior means what? Good behavior means that he shall not violate any of the criminal laws of the State. If they do, they are not of good behavior, and they can be recommitted to the penitentiary without trial to serve the remainder of their sentences. The system I have now established in South Carolina will be followed by other governors—possibly not so many will be paroled, but the system itself will be kept in vogue. The same system is being tried in other States; some going even further and allowing a man to work himself out by his good behavior in the penitentiary. Take one case particularly: A negro had been in the penitentiary for 18 years; he is paroled during good behavior; he is given another opportunity to live. If he disturbs the peace or violates any of the criminal statutes of the State, he goes back to the penitentiary for life; that condition hangs over him, and he knows that if he is not of good behavior, he goes back to serve the remainder of his sentence. Another instance—a white man sentenced to the penitentiary for a long term, for a crime committed while under the influence of liquor; parole him on the condition that he take not another drop of liquor. If he does, and thereby violates his parole, he goes back to serve the remainder of his sentence."

After an experience of four years as Governor of South Carolina, during which time I exercised clemency in more cases than any other three or four governors combined, I believe more firmly to-day than ever before in the parole system as the most advanced step that has ever been taken in prison reform. As proof of the correctness of this

opinion, I may state to you that since I retired from the office of governor, of all of the large number of those whom I paroled not a one has been returned to imprisonment. These one-time convicts have reformed and are leading good lives and making substantial citizens. By the parole system they have been saved to their families and to the State.

But there must be places of confinement for prisoners who, it may be, can not be paroled, and for those who must serve sufficient time that the lesson may be taught. Therefore, every chief executive ought to familiarize himself thoroughly with the condition of the penal institutions of his State and see to it that they are comfortable and healthy, and that the inmates are treated like human beings and not like cattle.

I believe in fresh air and wholesome food for prisoners and in comfortable, well-ventilated rooms.

I believe they should have good literature and good newspapers, especially their home county papers, enabling them to be posted upon the acts and doings and to keep up with the progress of the people of their respective counties and of their State, in order that when they are given back to society they may not be as strangers in a new and unknown world but may have the incentive in familiar surroundings to build their lives anew upon the solid foundation of honesty and integrity.

I believe they should have the right kind of amusements, that the social instinct so necessary in the plan of their salvation may not be deadened within them.

I believe that the whipping of prisoners should be forbidden, except in cases of willful disobedience of rules or acts of insubordination, and that then the whipping should be administered only in the presence of disinterested citizens of good repute, who are not connected in any way, directly or indirectly, with the institution. The people of the Nation would be horrified if they knew of the fearful brutality practiced in our prisons—the merciless whippings, the electric shocks, and other forms of shocking cruelty. Every chief executive should inform himself of these things that he may remedy the appalling conditions. As I can testify from experience, it is no easy matter to secure the information. It can not be done by personal visits, because on such visits everything will be in the best of shape; and if the prisoners are asked how they are treated they will be afraid not to say they are well treated because of the knowledge that if they state the facts they will be visited with even more cruel punishment by their keepers. But the proper kind of investigation in the right kind of way will bring forth the facts, and the remedy can be applied by a just and fearless man.

Thousands of prisoners every day are being released after service of the full sentences imposed upon them. In what condition are these men to reenter society and to take up again the burdens and responsibilities and privileges of citizenship? What more important duty rests upon a chief executive than that of seeing to it that confinement has tended to reform the prisoner rather than to make a more hardened criminal of him?

There are some professing Christians—God save the mark!—down in my State who condemn me for these ideas and who sneeringly ask if prisons are to be made so attractive that they will lure men into them. We can only pity such beings and pray God that His all-encircling charity may in some manner include them.

I believe that prisoners in healthy and wholesome surroundings ought to be put to work at useful trades or taught useful trades when they do not know them. In my State most of the convicts are now worked on the roads. This work, properly required, is healthy for the able-bodied and benefits the people at large. But we have the women and the weak-bodied also to look after, and other suitable work may be found for them.

And there is another matter which should be considered. In the majority of cases the family of a prisoner suffers more than the prisoner himself. It seems to me that much of this suffering could be relieved by paying to the dependent family of a prisoner a small compensation for the prisoner's labor. In many instances in my State the husband and father is imprisoned for crime, and his wife and little ones are left at home without any means of support, suffering hardships and privations, thrown absolutely on the mercy of the world for the bread they must have. Had there been a system of compensation to the family in South Carolina while I was governor it would have relieved me of what I felt to be the necessity for taking action in a number of cases where the husband and father was sent home to save his family from dire distress. We are told by some that a man should consider his wife and children before he commits a crime. That is true; but if he does not, the fact of suffering women and children stares us in the face—innocent women and children suffering for food and clothing. Of course, there are cases in which even their appeals must be disregarded in order that society may be protected, and charity, which too often is found wanting, must be relied upon to put bread in the mouths of babes crying because they are hungry.

Still another matter which I have urged is that we ought to discard the system of numbering prisoners—designating them only by number. It would have a much better effect in reclaiming prisoners if their identity was maintained, even though they occupy a prison cell, keeping

constantly before them the fact that they are human beings and that they have a soul.

And when the prisoners are released it is nothing short of a greater crime than most of them have committed to bound them down by always reminding anyone to whom they might apply for work that they are ex-convicts. There ought to be a law passed by every State, and a national law passed and enforced, to prevent this great evil. The poor fellow should be helped to rise and do better instead of being held down, with so-called detectives, hirelings, running around trying to get people to perjure themselves in order to work up new cases against men who have expiated their crimes by the time they have spent in prison.

I was heralded to the world as "the pardoning governor," and I am proud of the title. I investigated every case before me, and always was saddened when I found a case in which my duty to my people forbade me to exercise clemency. My ideas along the line of the parole system and of prison reform have been called extreme by many, but there are those of us here to-day who will live to see them carried out throughout the Nation if we continue to go forward in the future as we have advanced in the past. "What if some of the objections whereby our institutions are assailed are extreme and speculative," said Massachusetts' great scholar, "and the reformers tend to idealism; that only shows the extravagance of the abuses which have driven the mind into the opposite extreme."

The greatest debate this Nation ever witnessed was staged in the Senate of the United States between a son of Massachusetts and a son of South Carolina. Both were imbued with the highest patriotism, and each was striving toward the same goal, but along different paths. Looking back to that time, we can see that the gloom of civil war, in which brother was to be pitted against brother, was already settling upon our great Nation. A few years later the inevitable storm was upon us. Fifty years have now passed since its fury was spent, and to-day South Carolina and Massachusetts, by that fervid devotion to principle which helped to bring on the great battles in which the sons of one wore the gray and the sons of the other the blue, can clasp hands with higher respect each for the other and with the friendship of brothers each of whom knows the courage of the other and his devotion to a common mother. And I am glad that to-day South Carolina's voice can be raised in Massachusetts in the interest of the great reforms which I would urge.

I hear sometimes expressions from the North and the East and the West as to the treatment of negroes and negro prisoners in the South. Let me say that while I was Governor of South Carolina three-fourths, at least, of the cases in which I exercised clemency were those involving negro prisoners.

The best friend the negro has ever had, so long as the negro stays in his place, is the southern white man, and the negro knows it. The South will work out her own problems along this line and outside criticism and interference can only retard the solution. But in the underlying principles of improving our systems generally, we should all work hand in hand.

In this connection I may say that recently I visited the penitentiary of my State, and I saw walking around in a large, comfortable corridor two negroes held upon the charge of having criminally assaulted white women. They had escaped their just deserts for the time being. Locked and barred inside of cells about 4 feet wide and about 7 feet long, with a little window, iron barred, about 2 feet square, were three white men, charged with having killed a negro who had criminally assaulted a white woman. I do not mean to say that the incident is usual, but it was in South Carolina.

In conclusion, I would again urge the importance of the duty of the chief executives in the proper handling and treatment of prisoners. Our chief executives are clothed with large powers, and a heavy responsibility is theirs. A man in jail awaiting trial is presumed to be innocent—a presumption too often trampled upon by the law which has made it. A prisoner serving a sentence is a human being, with a soul—a being created in the image of the same God in whose image you and I were created. Society must be protected, but the most efficient means of protecting it is the reform of the criminal, and just as surely as we make criminals more hardened by the punishment which we mete out, so surely is society going to suffer, and those responsible must give an accounting some day, if not in this life, then at the bar of the Great Judge, who, I must believe, is going to hold to a stricter accountability those who have violated His laws under the hypocritical cloak of laws made by men than he will hold the poor unfortunates who have erred through the frailty of their human natures.

"For they appeal from tyranny to God."

Mr. BRUCE. Mr. President, may I interrupt the Senator just a moment?

Mr. BLEASE. I am glad to yield to the Senator from Maryland.

Mr. BRUCE. I think what the Senator has said about the philosophy of the measure is absolutely sound. I think, so far as conduct and character is concerned of the system of prison-made goods, that the system is an admirable one in its practical working. I also think that it is very fine, indeed, that a prisoner should have the opportunity, when he is in prison,

to earn money for his family, for the wife and children whom he has so deeply wronged by his criminal conduct; and, when he has not a family, in order that he may have some little fund to begin life with when he issues from the prison.

But the trouble I experience in dealing with the measure is this: Is it proper that one State in the Union should be placed in a position to impose its ideas with respect to the domestic policy of another State? I would be very glad if the Senator could help me to answer that question.

Mr. BLEASE. Mr. President, I thank the Senator for his observation. I am coming to that very point now. I had just stated that the abolition of this work in my State would cause a certain element of the people of my State to have to pay much more taxes than they are now paying to meet governmental expenses. In that connection I will state, as I did the other day, that at the present time there is going on in my State a system which is going to create a feudal landlordship control of land and is going to make serfs and servants out of some of the people of the country if it is not stopped. The Government is making money out of us all the time in that connection. I asked the question the other day and I want to repeat it now, What is the Government going to do with this land when they get it? Are they endeavoring to sell it on the block and then say that one man or a few men shall own all the land in any section of the country and that others shall become renters and tenants? Does it mean that they shall deprive the State of the privilege, as suggested by the Senator from Maryland, of carrying on any kind of work it desires to carry on in order to relieve the people of the burden of taxation, in order to try to raise money in a legitimate way and in a human way to relieve them from another burden?

I read now from an article appearing in the South Carolina News and Courier published at Charleston, Monday morning, December 17, 1928:

W. Scott Finley, vice president of the Federal land bank in Columbia, tells the Washington correspondent of the Columbia State that since "the organization of our field force we have sold 90 farms—a total acreage of 13,615, for \$254,897, averaging approximately \$19 per acre. The profits on these sales were \$22,704.96."

I shall not read the rest of the article because it is too long and would take too much time, but I ask that it may be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the News and Courier, Charleston, S. C., Monday, December 17, 1928]

THE FARM LOAN BANKS

W. Scott Finley, vice president of the Federal land bank in Columbia, tells the Washington correspondent of the Columbia State that since "the organization of our field force we have sold 90 farms—a total acreage of 13,615, for \$254,897, averaging approximately \$19 per acre. The profits on these sales were \$22,704.96." This would not indicate serious conditions; the volume of foreclosures by the land bank is comparatively small so far as is disclosed by these figures, but one suspects that no important conclusion is to be drawn from them. The facts are that in most of the counties of South Carolina great quantities of land are advertised for sale by the farm loan land bank or other money lenders.

A casual inspection of weekly newspapers published in courthouse towns leads to the conclusion that foreclosures are as common now as they were between 1890 and 1900 when cotton sold at 6 to 7 cents a pound.

Mr. Finley further says that "we find a good demand for land in Georgia and South Carolina." That is a surprising statement. When he adds that "in South Carolina only last week we sold to one party 11 farms for \$35,000, a 40 per cent cash payment being made," inquiry is suggested. In that country, where the land bank had "an excess of real estate," it seems that there is at least one man of means who purposes to become a great landlord. "We feel very much encouraged in our sales," Mr. Finley declares.

The purpose of the Federal land bank legislation was to enable tenants to become owners, to counteract the increase of farm tenancy. If the next census shall disclose that the proportion of farm tenants to owners cultivating their farms has enlarged it will be inferred that the Federal farm loan bank system has proved a failure.

In truth, an impression or suspicion has spread that it has failed, that a great if not the greater proportion of the money lent by these banks has been diverted to other uses than permanent farm acquisition and improvement. If citizens in numbers have borrowed money on farms and spent it for luxuries, even if they have used it to educate their children, the purposes that moved Congress to establish the banks have been defeated.

If in the Federal farm loan act there is any provision which should enable a few rich men to come into the possession of large acreages, paying a low average of prices, the Federal farm loan system will have done exactly what it was designed to prevent.

If in the Federal farm loan act there is any radical defect, the legislation should be amended or the banks should be liquidated. Unless they are benefiting the agricultural industry they should not be retained. It is time that Congress provide for a serious and thoroughgoing investigation of the whole system. No such governmental agency should be permanent unless its success as the solution of an emergent problem is clear.

Primarily, it is not the business of Government to conduct banks for the benefit of a particular class. The excuse for this legislation was the apparent existence of an unusual and extraordinary problem. It seemed necessary to devise means whereby farmers could obtain credit on terms as low as merchants and other traders obtained it.

Now, the question is, Have the farmers been benefited? If the answer is no, why continue the experiment?

Mr. BLEASE. There is the Government loaning its people money out of the farm-loan bank, and in just a very short time they have sold 90 homes in one little State and made out of the transactions over \$22,000 in profits. I think when the Government puts a man's property on the block and sells it for a debt that he owes the Government that all over and above the amount necessary to pay the debt should be returned to the man, whatever that amount is. If a man owes the Government \$10,000 and they have his place sold on the block and buy it in for \$6,000 or \$8,000 with the privilege of putting the man and his family out in the street or out in the field, then when they finally dispose of that land, if they get more for it than the \$10,000 owing to the Government, the Government should take that \$10,000 which the man owes and return to him the balance of the amount received for the land. He is an American citizen. Why not give him the right and the privilege, if his land is forced on the market, to receive whatever profit there may be in the ultimate sale of the land? Certainly, it would be nothing but right for the Government to give him whatever the surplus might be in order that he might have an opportunity to take his wife and children and make another start in life.

Mr. GOFF. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. BLEASE. With pleasure.

Mr. GOFF. I want to ask the Senator for the RECORD as well as my own information whether the laws of the State of South Carolina prohibit or in any way interdict the sale of prison-made goods in that State on the open market?

Mr. BLEASE. If there is any such law as that I have never heard of it. I think there is none.

Mr. GOFF. The Senator knows that there has been discussion, as occurred yesterday, and there was a reference to that fact by the Senator from Ohio [Mr. Fess], now in the chair, in a question which he propounded to me. The Senator said there was a law in the State of Ohio which prohibited the sale of prison-made goods in that State. I desire to know if there is any such law within the knowledge of the Senator from South Carolina now existing in his State?

Mr. BLEASE. There is not.

Mr. GOFF. Will the Senator permit a further question?

Mr. BLEASE. Certainly.

Mr. GOFF. What is the income from prison-made goods to the State of South Carolina each year after the prisoners have made the goods and the State has put them upon the market?

Mr. BLEASE. I can not give a positive answer to that question for the reason that the factory in our penitentiary has not been running very long and I do not think it has yet reached a satisfactory stage of production which would throw much light on the profit and loss question. I may state, however, that I believe there will be a good profit in the business.

Mr. GOFF. It has been with some difficulty on this side of the Chamber that I have heard everything the Senator has said, but has the Senator stated, in the course of his remarks, all of the different "goods, wares, and merchandise," as that phrase is used in the bill, which are now produced in the prisons and houses of incarceration in the Senator's State?

Mr. BLEASE. I understand there is none except furniture in the State penitentiary.

Mr. GOFF. May I ask this further question? If the bill now before the Senate should become a law and should be ultimately determined by the Supreme Court to be constitutional, can the Senator from South Carolina indicate to what employment the State could put the labor now at its disposal in the penitentiary of that State?

Mr. BLEASE. That was a question which I was about to discuss.

Mr. HAWES. Mr. President, before the Senator proceeds, may I answer the question of the Senator from Kentucky?

Mr. BLEASE. I yield to the Senator with pleasure.

Mr. HAWES. I have here the Hoover conference report made on the 12th of December, which shows that there were 375 prisoners employed in the South Carolina penitentiary in the manufacture of furniture. Eighty-three per cent of the total output of that furniture factory is sold outside of South Carolina.

If the Senator from West Virginia will look at the report which he will find in the RECORD, where I had it placed at the last session, he will find the report of the populous States of Pennsylvania, Ohio, New York, and New Jersey, all of which have a State-use system, showing how many prisoners are employed and in what manner. I respectfully submit that when he examines it he will find as great a percentage or a greater percentage of prisoners employed under the State-use system as under the contract system.

Mr. GOFF. I thank the Senator from Missouri for that reference. I have read it in the RECORD, but my specific question to the Senator from South Carolina was aimed at eliciting any further or additional detailed statements of facts that he might have which are not contained in the report which was printed in the RECORD at the request, as I recall, of the Senator from Missouri on Saturday last.

Mr. BLEASE. Mr. President, I am very glad the Senator from Missouri read that statement. I think it speaks pretty well for South Carolina that she can make furniture and send it all over the United States. I think one more reason why we should be allowed to do it is disclosed by that statement. If we can make a better quality of furniture than is made in other States, it is all the more reason why we should give the people in those other States the privilege of having our good furniture.

Mr. President, as I suggested to the Senator from West Virginia, our prison authorities have not yet reached any conclusion, but they are now very much worried about the proposition of what they will do with the prison labor if this bill should become a law. If we let them out under the lease system, that is bound to be a curse. If we try to farm with them, we come in direct competition with the farmers of the State, and yet they have done and are doing some farming. If they be permitted to remain idle, as I said a while ago, I think it is the worst punishment which could be inflicted on anybody. It is really a serious question what can be done. It is not desirable to take these men out and make them dig ditches. We have not any right to hire them out to bridge builders and take all kinds of risks of their being mistreated. In what business can prisoners be employed? I believe that we should have in every penitentiary in the country some method of teaching those who are there confined some trade or occupation out of which they may subsequently make a living. I want to say to my friend from West Virginia I am told that the prisoners in the furniture factory in South Carolina receive a portion of the returns; they are paid a certain amount, and they are allowed to keep that money for their own purposes, to send it to their families or to spend it for things which they need or which they desire to have but which are not furnished by the State to prisoners.

In that way we help the prisoners and help their families outside. I have not any doubt that I could telegraph home and get the information that a great many of the State's prisoners this Christmas will send home to their families money which they have saved since they have been inside the prison walls.

It would be easy enough to settle this question in my State by the governor. I once settled it by turning out about 1,700 convicts, and if I were now governor and the prison officials sent word to me and said, "The prisoners have not anything to do; they have got to walk around the yard with no work, or they have got to sit up in the corridors with nothing to do," I would turn everyone of those prisoners out, because I do not believe in cruel and inhuman punishment; and I think one of the greatest responsibilities resting upon the governor of any State is in the manner in which he deals with the prisoners of the State, with the unfortunates who have got the chain and ball on their feet or the handcuffs around their wrists to keep them inside prison walls.

As I stated a while ago, Mr. President, there are men in the penitentiary to-day who are innocent men, who have been "framed." There are men in the State penitentiaries of some of the States now for selling liquor who never sold a drop of it. Some of these Federal agents will go to a man's home, make out they are sick, fool some poor devil into giving them a drink, and then insist on his taking a quart of a dollar or 50 cents

for it. Another spy, sitting on the outside, will go off and swear that that poor fellow, or perhaps it was a poor old woman, sold the liquor, and will put him or her in jail.

Mr. President, I shall not detain the Senate much longer, because I do not think it is necessary to do so.

Mr. GOFF. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. BLEASE. Yes, sir.

Mr. GOFF. Before the Senator leaves the subject which he is now discussing, I wish to ask him if he can state what expense it would add to the operation of the prisons in South Carolina if this bill became a law?

Mr. BLEASE. That would depend entirely on the number of convicts who were confined in the penitentiary. For instance, the judges might sentence some prisoners to a county chain gang. In that way they would go on the road. Consequently, they would not be a burden to the State but to the county. I apprehend that if the furniture factory at the South Carolina Penitentiary should be abolished, the governor himself would of necessity be compelled to send back to many of the counties short-term prisoners who would be taken care of possibly in the chain gang; and if the Senator from West Virginia has ever had any experience in dealing with chain gangs he can realize that if a prisoner in the chain gang is not a "pet," or, as the negroes call it in my State, a "trustee," he is in a pretty bad fix from the standpoint of the food he has to eat, the clothes he has to wear, and the treatment he receives at the hands of those who are put over him.

Mr. HAWES. Mr. President, if the Senator from West Virginia [Mr. Goff] would like to know, I will inform him that the State of South Carolina received \$79,300 for the labor of prisoners, and that is all.

While I am on my feet, let me call attention to the fact that there is no State in the Union that prohibits the sale of convict-made goods, but certain States prescribe the manner of sale. That is all this bill, should it become a law, would do. It would revive those laws, and when prison-made goods were sold in another State it would require their branding or that they should comply with the law of that State; but in no single State is the sale of convict-made goods prohibited.

Mr. TYDINGS. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. Yes.

Mr. TYDINGS. I should like to ask the Senator if he knows whether his State buys automobile license tags from some concern in the State or from some concern outside the State.

Mr. BLEASE. I do not know positively, but I think such tags are bought from outside the State.

Mr. TYDINGS. I was just going to observe that in the State of Maryland such tags are manufactured in factories in the penitentiary by prison labor, and, of course, the State being engaged in the placing of license tags on automobiles, it is a very proper purpose and conflicts with no private enterprise. If the furniture factory in the South Carolina penitentiary were abolished, it would not necessarily mean that the convicts now employed in the furniture factory would have nothing to do. The problem would be to readjust that situation so that they might make such articles as automobile tags and bricks and what not which the State could use in the conduct of the State's business. It does not necessarily mean that all of the convicts would remain idle, but that the State would have to adjust the present system so as not to sell goods in States that did not desire prison-made goods sold within their borders. I thank the Senator for permitting the interruption.

Mr. BLEASE. Mr. President, I call the attention of all Senators who would like to have further information to page 676 of the CONGRESSIONAL RECORD of December 15 in reference to what those who are studying this question all over the United States, including officials of the State of Missouri, from which my good and distinguished friend, the author of this bill, comes, think about this subject. There will be found there a report which sets forth that in the last 130 years six systems of prison labor have been tried—the lease system, the contract system, the piece-price system, the public-account system, the State-use system, and the public-works-and-ways system. Each system has its advantages and critics; each system has both its advantages and disadvantages.

Those who prepared the report go on to state their opposition to this bill. It should not be necessary for me to repeat their statements, as they are in the RECORD, but I might add that the

document is signed by the director of State institutions of Rhode Island and by the wardens and superintendents of penitentiaries in Virginia, Kentucky, Missouri, Iowa, New Hampshire, Maryland, South Carolina, and other States.

Mr. President, I shall not take up further the time of the Senate, because I think that every Senator knows pretty well what his idea is as to how he is going to vote on the merits or demerits of this bill, and, possibly, after all, the main question in the consideration of the bill will be the question of its constitutionality. That question, as I have stated, I shall leave to my distinguished friend the Senator from West Virginia [Mr. GOFF].

Mr. SACKETT. Mr. President, I rise to speak on this bill, I confess, with great reluctance. So far as concerns my personal opinion from the experience I have had with prison labor, I should like to vote for the bill; but the situation within my State is such that I feel that those who are at present confined in our penitentiaries would by the passage of this bill and its logical extension be placed in such a condition that it would be almost hopeless to attempt to rehabilitate the criminal class who are there confined.

I speak with some knowledge of the subject, because for four years I served the State of Kentucky as a member of its board of charities and corrections. During that period it was the hope and object of that board, if possible, to find a way by which there could be eliminated from the penitentiary the contract-labor system then employed. The board made very careful studies of the whole situation, but it was impossible for the board, although it was inclined to do away with the State contract system, to find any occupation in which the prisoners of the State could be employed save for a short period of time each year.

A number of experiments in the employment of prisoners was made, among others the working of prisoners upon the roads. This entailed prison camps, established where work on the roads was to be done. Unavoidably, from time to time, escapes took place from those prison camps. In the country districts of a rural State such as Kentucky it was almost impossible to recapture the escaped convict, and every crime that was committed within a reasonable radius of such prison camps was coupled with and attributed in the public press to the escaping convicts. The people of the communities became alarmed, and public opinion finally drove the prisoners back within the walls.

We made studies of the State-use system. Among other things, as I remember, it was found that the shoe factory which had been established within the prison walls could have provided the shoes necessary for the entire population of the State institutions if it ran continuously for a period of some 27 or 28 days in the year.

From time to time we have made other experiments, and they were not found to be successful. Furthermore, a State like Kentucky, which lives almost up to its income as a matter of necessity in order to provide the very expensive public improvements which are needed for its population, is dependent in a large measure upon income derived from the employment of its prisoners within the penitentiary. Since I have severed connection with the State board of charities and corrections I find that there has been no new opportunity to change the system which had been inaugurated within the prisons and to do away with the contract system.

I am to-day in receipt of a reply to a telegram which I sent to the governor of the State, Governor Sampson, wherein I notified him that this bill would be up for consideration on the floor of the Senate, and asked for a statement of the present attitude of the State with regard to it. The governor referred the inquiry to the chairman of the State board of charities and corrections, and here is the message which I have received:

Your wire to Governor Sampson, prison labor bill, is received. Bill would deprive Kentucky of half million dollars annually, and enforce idleness on largest number prisoners ever consigned. No other means of employment, and no funds to install industries. Condition unchanged since your service on board.

That is signed by the secretary of the board of charities and corrections.

With a State of a rural character, such as that which I have the honor in part to represent, the loss of half a million dollars of State income, and the requirement to take care of those prisoners at the cost of an additional half million dollars, means a great deal to the people of that community. Much as I personally disapprove of the contract system, much as I disapprove of the prison contractor—and I have had experience with prison contractors—I do not see how the State of Kentucky is going to meet in a comparatively short time the problem which this bill necessarily puts up to it.

The able Senator from Missouri [Mr. HAWES] has agreed to accept a delay of three years in the taking effect of this bill; but it is not a matter of three years in a State like that which I in part represent. It is a matter of finding some method by which the prisoners confided to our care can be taken care of, rehabilitated, and sent back as citizens of the community. In the present situation, from all the data we can gather, I can say to the Members of the Senate that in spite of every effort we can make we have never been able to find any method by which that employment can be had except under the contract system which is now employed.

I think a good deal of consideration ought to be given to the effect of nonemployment forced by any means upon the inmates of a penitentiary. It is not a pleasant situation to contemplate. In my own experience I have seen men who were denied the right of employment, I have seen the moral effect upon those men, and I have seen them go downhill in spite of every educational opportunity that has been offered to them. I have seen how impossible it is to rehabilitate them under those conditions.

I do not believe that convict labor should compete with the free labor of America. I never would stand for any such principle; but here we have a matter which seems to be beyond the control of the officials of our State. We have a requirement that these men be incarcerated for the protection of our citizenship. We have a problem which we are not able to solve under any principle that has been suggested to us in the State of Kentucky. For that reason, and in order to protect the revenues of our community against a loss which they can not afford to sustain, in order to maintain the State government—which I have had, as I say, the honor to represent heretofore—I am constrained to ask the Senate for a considerable further delay in making these goods outlaw in interstate commerce.

Mr. WATSON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. SACKETT. Yes.

Mr. WATSON. The Senator speaks out of an abundant experience, and therefore his counsel is desirable and valuable. I should like to ask him what, in his judgment, the result would be if men working within prison walls were to be paid the same wages for doing the same work as in outside industry—a competitive wage? What would be the effect?

Mr. SACKETT. Our experience was that the efficiency of a prisoner was about two-thirds that of free labor; and, of course, if they were paid the same amount I do not believe prison contractors could be induced to hire that labor because necessarily it would make the cost of production of the article higher than the cost of production of the same article by free labor.

Mr. WATSON. Is there any way of balancing those wages, taking the lower efficiency into account?

Mr. SACKETT. We have gone in Kentucky to this extent: First, we rent the labor for a great deal higher price than formerly. When I first went on the board the price was a very low one indeed. We gradually got it up until the results of that labor paid the cost of maintaining the penitentiary; and then, in addition to that, we provided a fund by which each one of the prisoners was paid an additional amount per day which went to his credit upon the books of the penitentiary. My judgment is that the payments to him should be raised just as high as it is possible to have them and at the same time not drive the contractor out of business. We have been getting gradually to that point.

Mr. HAWES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. SACKETT. Certainly.

Mr. HAWES. The distinguished Senator from Kentucky asks for a further delay in the time when this bill shall take effect. The Senate committee decided upon two years. The House bill provides for three years. That will give an opportunity for two legislatures in each State to deal with this question.

To show the sympathy in the Senator's own State of Kentucky with the philosophy of this bill, we find that his own State provides that all goods made in prison outside the State must be plainly marked "Convict-made." The important question that concerns the distinguished Senator, however, is the question of unemployment; and he has had a valuable experience in this matter. The penitentiary in his State is one of what may be termed the middle class in number of inmates. I have before me the figures relating to the greater penitentiaries of the more populous States.

Pennsylvania, for instance, has a total prison population of 4,528. Those of that number employed in productive enter-

prises are 3,993, leaving unemployed for various reasons only 535; and that State employs the State-use system.

Taking the State of Ohio, for instance, with over 8,000 prisoners, 2,790 are employed in manufacturing for State use, 2,500 for institutional work, and so on; and they are kept employed.

The same is true of the State of New York, and the State of New Jersey, and other States where the State-use system is employed.

Those are modern penitentiaries. We all know that it would be a crime against society not to keep the prisoners employed, and employed properly; so I direct the Senator's attention to the greater penitentiaries of the country, where they have the largest number of convicts, and where they all are employed in as great a proportion as in the penitentiaries in Kentucky or Missouri; and it is done under the State-use system.

Mr. SACKETT. I agree with the Senator. He has selected probably the three richest States in the United States, having the largest number of people within their charge and being able financially to treat them in the very best manner that prisoners or insane persons or any of that class of people can be treated. In a State which is not rich, which can not afford many of the things that the richer States can afford for their dependents, it has not been found in our experience that there is a market within the State-use system to employ anything like the number of men we find it necessary to keep within prison walls.

Mr. WATERMAN. Mr. President, my colleague the senior Senator from Colorado [Mr. PHIPPS] has asked me to get permission to put into the RECORD two telegrams which he received before leaving the city. One is from the president of the Colorado Board of Corrections; the other is from the warden of the Colorado State Penitentiary. I ask unanimous consent that they may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegrams are as follows:

CANON CITY, COLO., December 17, 1928.

HON. LAWRENCE C. PHIPPS,

United States Senate:

Use every effort to defeat Cooper-Hawes bill, coming up now. Effect of its passage would be very bad on Colorado penal institutions.

C. J. MOYNIHAN,

President Colorado Board of Corrections.

CANON CITY, COLO., December 17, 1928.

HON. LAWRENCE C. PHIPPS,

United States Senate:

Passage of Cooper-Hawes bill would be very detrimental to this and other Colorado penal institutions. Use your best efforts for its defeat.

F. E. CRAWFORD,

Warden Colorado State Penitentiary.

Mr. GOFF. Mr. President, I desire to ask the Senator from Kentucky one or two questions arising from his remarks.

Can the Senator state how much below the average market price of labor the labor in the penitentiary of Kentucky is paid?

Mr. SACKETT. No; I can not tell the Senator that now, because it is a long time since I was on the board. At the time I knew it definitely. I should say somewhere in the neighborhood of 60 per cent.

Mr. GOFF. I should like to ask the Senator this further question relative to the matter of State use: What did the State of Kentucky do with the surplus product, if any, over and above the demands of the State-use departments of the State?

Mr. SACKETT. It rented its labor to prison contractors, and the prison contractors sold the products of their factories. I do not know whether they sold them within the State of Kentucky or not. They sold a considerable portion in other States, possibly.

Mr. GOFF. At the time the Senator from Kentucky was connected with the State institution, as he has stated, was there any law in Kentucky which in any way restricted the sale of prison-made goods within that State, or required that prison-made goods so sold in the State should be marked and labeled?

Mr. SACKETT. I think there was. My recollection is that there was a labeling law.

Mr. GOFF. Possibly my question to the Senator was a double question, and I shall now single it out and say, Was there any restriction on the sale in the State of any of the surplus goods not consumed in State use?

Mr. SACKETT. No restrictions, except so far as the requirements for labeling may have served as a restriction.

Mr. COUZENS. Mr. President—

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from West Virginia yield to the Senator from Michigan?

Mr. GOFF. I yield.

Mr. COUZENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Gerry	McKellar	Smoot
Bingham	Glass	McMaster	Steck
Black	Goff	McNary	Steiwer
Brookhart	Gould	Moses	Stephens
Broussard	Hale	Neely	Swanson
Bruce	Harris	Oddie	Thomas, Idaho
Capper	Harrison	Pine	Thomas, Okla.
Copeland	Hastings	Pittman	Trammell
Couzens	Hawes	Ransdell	Tydings
Curtis	Hayden	Reed, Pa.	Vandenberg
Deneen	Hefflin	Robinson, Ind.	Wagner
Dill	Johnson	Sackett	Walsh, Mass.
Edge	Jones	Schall	Warren
Fess	Kendrick	Sheppard	Waterman
Fletcher	Keyes	Shortridge	Watson
Frazier	King	Simmons	Wheeler
George	Larrazolo	Smith	

Mr. McNARY. I desire to announce that the Senator from North Dakota [Mr. NYE], the Senator from Vermont [Mr. DALE], the junior Senator from Illinois [Mr. GLENN], the Senator from Montana [Mr. WALSH], and the Senator from Arizona [Mr. ASHURST] are attending a meeting of the Committee on Public Lands and Surveys.

Mr. JONES. I wish to announce that the senior Senator from Nebraska [Mr. NORRIS] and the junior Senator from Wisconsin [Mr. BLAINE] are detained in a meeting of the Committee on the Judiciary.

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, there is a quorum present. The Senator from West Virginia will proceed.

Mr. GOFF. Mr. President, before proceeding to the discussion of certain facts and the constitutional aspect of Senate bill 1940, now before the Senate, I move that the bill be referred to the Committee on the Judiciary to consider and determine its constitutionality in the light of the Constitution of the United States and to report to the Senate not later than January 7, 1929, such conclusions as the committee may reach.

When I conclude my argument I shall renew the motion just made and shall ask for its immediate consideration.

Mr. HAWES. Mr. President, will the Senator from West Virginia yield?

Mr. GOFF. Certainly.

Mr. HAWES. I understand the Senator proposes that this bill be referred to the Committee on the Judiciary.

Mr. GOFF. That is my motion.

Mr. HAWES. Why does not the Senator propose that the railroad consolidation bill, and the various bills before the Interstate Commerce Committee which involve the same clause of the Constitution, be also referred to the Judiciary Committee before the Committee on Interstate Commerce acts?

Mr. GOFF. The question of the distinguished Senator from Missouri answers itself. The Committee on the Judiciary has no jurisdiction of any such bill prior to action by the Committee on Interstate Commerce, and would not have jurisdiction of any bill emanating from that committee which had not reached the floor of the Senate, and then only by due and orderly motion assigning the measure, with the full consent and approval of the Senate, to the Judiciary Committee for its consideration.

Mr. HAWES. Then what the Senator proposes is the creation in the Senate of a judicial committee with functions similar to that of the Supreme Court. Followed out logically, the same thing would be done in the House. No bill involving a constitutional question could properly be voted upon by the Senate until the Judiciary Committee had passed upon it.

Mr. GOFF. That conclusion does not follow, and I should be the last Member of this body to move that the judicial power exercised by the Supreme Court or any judicial power be conferred upon any committee of the Senate.

Mr. HAWES. Will the Senator point out the distinction of the question of constitutionality in this particular bill and some two or three thousand other bills where the question is always raised as the last resort? Is there any more reason why this bill should go to the Judiciary Committee than the railroad consolidation bill or any other bill?

Mr. GOFF. This is the only bill before the Senate, and I shall not lay down any hypothetical general method of conduct or procedure. If I were satisfied that some of the other bills to which the distinguished Senator has referred were consti-

tutional, I should not move that the Committee on the Judiciary or any committee or even the Senate as a Committee of the Whole consider them.

Mr. HAWES. The logic of the Senator's position is that we create a supreme court in the Senate. I would like to know the difference between this bill, meeting the approval of all the lawyers on the House committee and practically all the lawyers on the Senate committee which considered it, and any other bill. The question of its constitutionality has not been attacked until the Senator now attacks it, but it was very ably discussed before both of those committees. Now, the Senator, after both of those committees have acted, proposes that it be sent to another committee for a report to guide the Senate as to its conduct in a legal matter.

Mr. FESS. Mr. President, the Senator from Missouri overlooks the fact that the Senator from West Virginia is a member of the committee which considered the bill.

Mr. HAWES. Incidentally, that does give the Senator from West Virginia two votes on the subject, one in the Interstate Commerce Committee and one in the Judiciary Committee. It shows what trouble we would get into with an unusual tribunal like that created.

Mr. GOFF. I will say to the Senator from Missouri and to his suggesting and suggestive friend the distinguished Senator from Ohio, since we have entered the realm of personalities, that I was not present when the Interstate Commerce Committee considered this bill, and while I dislike to refer to a personal matter I desire to say that when this bill was considered and reported I was confined to my home with pneumonia. If it had been possible for me to be present in the committee I should have opposed the bill, and I should then and there have advanced the constitutional objection which I think should properly be considered by the Senate before it votes upon this measure or reaches any conclusion as to its provisions.

Mr. FESS. I am sure the Senator from West Virginia does not interpret our observations as offensive in a personal way?

Mr. GOFF. Nothing, may it please the Senator from Ohio, is offensive. This is a give-and-take debate, and I trust in my reply to the suggestions from the two Senators who have just spoken that I neither suggested offensiveness nor that I prompted the suggestion of anything offensive to either of my distinguished friends.

Since we have descended to these mild-mannered personalities, let us now ascend to a discussion of the facts embodied in the hearings before the House and the Senate committees.

It was stated yesterday by the Senator from Missouri [Mr. HAWES] that the bill comes before the Senate at this time due to an "unusual combination of citizenship." He stated that union labor, representing 4,000,000 men and women, and that certain trade-unions and local labor organizations were asking the passage of the bill.

He then said that the bill was supported by the General Federation of Women's Clubs and an association of all the women's clubs in the United States. He very properly made reference to the fact that there had been sent out from the city of Washington to certain Members of the Senate a telegram under date of December 13, 1928, in which it was mentioned that the Prison Wardens' Association of America, meeting with the American Prison Congress at Kansas City, Mo., in October, 1928, unanimously adopted the following resolution, which the distinguished Senator did not read, and which I shall read:

The following resolution was adopted by the Wardens' Association of the United States at the prison congress August, 1927:

"Whereas idleness is a demoralizing influence in all prisons; and

"Whereas steady employment at productive labor helps the inmates of the prison to bear the tedium of confinement and is a wholesome influence on discipline and prison morals; and

"Whereas the labor of able-bodied inmates of the prisons should be used to diminish the cost of their confinement: Therefore be it

Resolved, That the Wardens' Association protest against the passage of any State or National legislation which will interfere with the manufacture or sale of prison products; be it further

Resolved, That it is just as unfair to brand or label prison products, so as to render them unmarketable, as it is to degrade prisoners with the stripes or shaven heads as a badge of their conviction.

"J. J. SULLIVAN, Chairman.

"H. W. MEYERS.

"J. S. BLITCH."

Then the Senator from Missouri said:

In the report Senators will find that these splendid women are supporting this measure and have supported it for years for humanitarian reasons, because they have believed the prison contractor should be driven from the control of the prisoner, and for the further reason that their efforts in the individual States where they have urged reform legis-

lation were set at naught because some State, trying to exploit its own products heartlessly to the detriment of other States, was breaking down the effort of every State to legislate for itself.

Mr. President, I am not concerned with the classes or the individuals who motivate the proponents of this measure. Every American citizen possesses the inalienable right, regardless of associations, clubs, or unions, to express his, her, or its opinion or opposition to or in favor of any measure pending before the Senate of the United States. The questions, however, involved in all these measures are questions arising at the very threshold, or, as we say in legal parlance, in limine. Is this bill within the power of the Congress of the United States to enact? If such legislation should be enacted by a State it could be justified only as an exercise, within constitutional limits, of the police power of the State.

We are not, however, concerned in this instance with the exercise of the police power of the States, and we are not concerned with the exercise of any Federal police power. Such a power is recognized as a Federal right in many of the decisions of the Supreme Court regardless of the due application of the interstate commerce provisions of the Federal Constitution.

The Constitution of the United States provides that the Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes. And when we approach any proposition which involves the regulation of commerce between the States we meet initially the question, Has the Congress of the United States in the instant case "regulated" commerce between the States, or has it unwittingly delegated to the States its power to regulate commerce by the passing of certain laws that recognize and merely assist in the enforcement of existing State laws?

I regret, Mr. President, that there have been and are so few references in the record and the discussion to many of the outstanding facts which justify and compel this argument against the constitutionality of the pending bill. These facts and opinions should be before the Senate, and I shall refer to a few of them in order that Senators may have before them these matters so essentially involved in the proposed legislation.

There appears in the hearings before the House committee a telegram from the American Federation of Labor, addressed to the Governor of Idaho, under the date of February 9, 1928. It reads as follows:

Misleading statements sent out regarding national law for reform and proper employment State prisoners. Respectfully request you read law and hearings held this week before House and Senate committees before expressing opinion. We make request in behalf American Federation of Labor, representing 5,000,000 union workers; General Federation of Women's Clubs of the United States; and manufacturers representing \$2,500,000,000 in capital, more than two million and half employees, with factories and mills in 48 States.

Now, there is one further statement I would like to add in this connection: The United States Bureau of Labor Statistics reported in 1923 that the value of goods produced in State and Federal prisons amounted to a little more than \$70,000,000; in comparison, the value of products manufactured in the United States amounted to more than \$60,250,000,000. In 1923 less than 52,000 convicts were employed in industry, as compared with more than 8,750,000 free men. In the clothing industry, where we have heard so much complaint against prison competition, convict labor in 1923 produced less than \$22,000,000 worth of clothing of all kinds, as against a total national production of more than \$3,400,000,000.

I do not in opposing this bill and in raising the question of constitutionality intend in any way to oppose the freedom of labor. I go further than that; I am raising the questions involved in the Constitution of the United States, regardless of their effect, regardless of whether they in any way interfere with the freedom of labor, and regardless of whether they keep prisoners incarcerated in State institutions employed or not.

Let us assume for a moment, as the record discloses, that the total prison population of the country is something like 100,000. Even though that is the case, and even though possibly 50, 75, or 85 per cent of those prisoners might be employed in prison industry, yet only one-tenth of 1 per cent of the productive industry of the country would be in prisons. Therefore the real damage which might be done by prison labor is negligible.

Various propositions have been made as substitutes for productive prison labor. During the last 75 years this question has been constantly before the people, and without question these arguments advocating States' use, or the public employment of prisoners, are, while theoretically beautiful, yet actually impracticable.

Mr. President, the question of prison employment is not settled now. Seventy-five years, 100 years—in fact, 500 years of historical study—has failed to find the true solution of the em-

ployment of prison labor. Men are sent to prison, sentenced by the courts for a certain number of years to hard labor. Men are not sentenced under the laws of any State or under the laws of the Federal Government to go to prison in idleness. The great moral question that society has presented for solution, the problem, as the Senator from Kentucky phrased it of rehabilitation, is ever before the civilized nations of to-day; and that is the great question which is submitted in the studies and the reflections of those who oppose the passage of this bill and the necessity for the passage of any law upon this subject.

Are we to pass a law which will result in the unemployment of prison labor? Are we to pass a law which shall say, in effect, when men go to the penitentiary in any State or under the Federal Government, they go there simply to be locked up; that they go there solely to be denied the freedom of locomotion upon the highways and byways of our country; that they go there to reform—with reform denied him? That is not the proper interpretation of the law; and that is not, in my judgment, the correct way of approaching the solution of the moral regeneration and thorough reformation of those who are incarcerated.

I shall not at this time occupy the attention of the Senate in discussing what has been said by different wardens, but in passing I shall commend many of these statements to the attention of the Senate and put them in the RECORD.

On page 143 is this statement:

Mr. SWENDSEN. * * * I might as well answer your question now—

That is, Are the State prisons of Minnesota in a self-supporting condition?

We sell our products in the State of Minnesota first and our surplus in the adjoining States. For last year, 1927, we sold to Wisconsin \$20,500 pounds of twine for which we received \$102,562.50. In North Dakota we sold 2,230,700 pounds of twine for which we received \$292,211.70.

In South Dakota we sold 759,750 pounds of twine for which we received \$89,270.62. In Iowa we sold 662,260 pounds, and the amount we received was \$78,815.55.

In Nebraska we sold 854,200 pounds, and the amount we received was \$100,368.50. In Montana we sold 251,150 pounds for which we received \$32,649.61. From miscellaneous there were about 5,000 pounds. In the State of Minnesota we sold 16,819,545 pounds, and the amount we received for that was \$2,064,249.07.

Do you want farm machinery?

Mr. FENN. For the information of the committee; yes.

Mr. SWENDSEN. We sold in the State of Wisconsin 568 binders, 1,347 mowers, 1,110 rakes, and 335 trucks at a total price of \$208,404.59.

In North Dakota we sold 396 binders, 265 mowers, 124 rakes, and 37 trucks for which the total price was \$37,944.36.

In South Dakota we sold 127 binders, 138 mowers, 95 rakes, and 31 trucks, amounting to \$30,729.65.

In Iowa we sold 97 binders, 146 mowers, 114 rakes, and 94 trucks, amounting to \$30,204.30.

In Nebraska we sold 110 binders, 176 mowers, 107 rakes, and 71 trucks, amounting to \$30,585.25.

Then, there was miscellaneous, under which heading we sold 13 binders, 38 mowers, 19 rakes, and 13 trucks for a total price of \$4,562.90.

In Minnesota we sold 1,385 binders, 2,363 mowers, 2,116 rakes, and 585 trucks, amounting to \$437,064.17.

We pay a wage to every inmate. No inmate gets less than 25 cents per day, and some of them can make up to \$1.30 a day. * * *

We have a State-aid system—

He says, and he states the population of Minnesota as being 2,500,000.

The State prison of Minnesota presents a typical illustration of the progress that has been made by the States of the American Union in regenerating the men and women confined in her penal institutions.

I have here a statement by the warden of the State prison of Indiana. I have a statement by Dr. L. M. Robinson, the warden of the State of West Virginia prison, who from study, experience, and ability is highly qualified to discharge the duty and perform the functions of his present position. If this bill should become effective, it will cost the State of West Virginia from \$500,000 to \$750,000 a year in increased taxes, and I know that it will cost many of the other States larger amounts.

Mr. President, although the question is not before the Senate and is not directly embraced in a constitutional discussion of this question, yet it is very doubtful whether any of the State laws which prohibit, restrict, and in effect deny the employment of prison labor can be held constitutional in so far as they increase the taxes of the citizens of the States where they apply. If a tax is unreasonable and levied not in pursuance of any legal justification, it is a taking of property without due

process of law. Not only is it a misuse and an unreasonable exercise of the police power of the State, but it is also a violation of the fourteenth amendment of the Constitution of the United States.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. GOFF. I yield.

Mr. SMITH. Mr. President, I was out of the Chamber when the Senator from West Virginia began his discussion of this question. I presume he intends to elaborate the principle involved in this bill, whether the Federal Government has the constitutional right to prohibit the sale in interstate commerce of goods which in themselves are lawful commodities of commerce upon the ground that the character of labor employed in their production is different from some other character of labor.

Mr. GOFF. I will say to the Senator from South Carolina—and I am very glad he asked the question—that I am only referring to certain of these statements that there may be in the RECORD and before the Senate for its deliberation facts which do not now appear in the RECORD and which have not been brought directly to its attention. I shall then proceed to a discussion of the cases relating to the constitutional questions involved—

Mr. SMITH. The reason I asked the question was this: In studying this subject, having in view my duty as a Member of this body to uphold the Constitution so far as I am able with my understanding of it, it occurs to me that the pending bill partakes of the nature of the child-labor legislation which was before Congress for some time, if, indeed, it does not stand on all fours with it.

Mr. GOFF. I am coming to that after a due reference to certain major facts—

Mr. SMITH. I do not know whether we would have the constitutional right to enact a law providing that the Federal Government may intervene and prohibit the free intercourse of goods because of the character or condition of those engaged in the production of such goods, unless the business is clearly shown to be a nuisance or subversive of the best interests of all the people, and, even in that case, there would be some doubt in my mind.

Mr. HAWES. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I yield.

Mr. HAWES. Is the Senator from South Carolina under the impression that this bill prohibits the interstate shipment of convict-made goods into a State?

Mr. SMITH. I think that is the object of it.

Mr. HAWES. Only where the law of that State prohibits it. There is no State in the Union that does prohibit the sale of convict-made goods. They regulate its sale, and require its branding and marking and licensing; but its sale is not prohibited in any State.

Mr. SMITH. I understand, Mr. President; and, if the Senator from West Virginia will allow me, we had a similar law here, introduced by the Senator from Missouri [Mr. REED], providing that no State should be allowed to ship liquor into a State which had prohibited the manufacture and sale of liquor within its borders. We all recognized, however, that liquor was not in the class of commercial articles the everyday use of which was universal, but it had come under the condemnation of organized society to the extent that the Federal Government had subjected it to taxes and licenses and restricted its sale and it came under the head of nuisances. Here we go further and say, "Here is a State that prohibits the shipment of a certain class of goods outside of its own borders," and then we invoke the power of the Federal Government to keep other States from shipping into that State goods which are in common use and are absolute necessities of everyday use in organized society, because of the nature of the labor employed.

Mr. GOFF. If the Senator will remain in the Chamber for a short time I will proceed, after one more reference, to a discussion of the questions he suggests.

Mr. SMITH. I will.

Mr. GOFF. I now make reference to the letter of Mr. A. H. Harrison, director of the department of penal institutions of the State of Missouri. It is addressed to Hon. JOSEPH J. MAN-LOVE, House of Representatives, Washington, D. C., and is dated February 15, 1928. In the course of this letter he says:

As you no doubt are aware, we have a prison population in Missouri of over 3,600 prisoners at this time. We employ in the shoe industry, twine industry, and textile industry approximately 2,200 prisoners; and if this bill is enacted into law it is my opinion that we will not be

able to employ any great amount of prisoners in the above-named industries.

The total average cost for each prisoner in the penitentiary is approximately a dollar a day. In the past the cost of maintaining the prison has been largely met by the earnings of the above-named industries, and for the present biennium we have an appropriation of \$400,000 toward the maintenance of the penitentiaries. If we are to be deprived of the privilege of operating the industries, the State will then be forced to make an appropriation to maintain the penitentiary, which, in my opinion, would not be less than \$2,500,000 for each biennium, in addition to the amount which has heretofore been appropriated by each legislature.

The prison population is constantly increasing. There is a constant complaint now from the taxpayers of the State as to high taxation, and if additional revenues must be provided it will be a serious condition which will confront the taxpayers of all of the States.

That is a typical complaint which comes from most of the States of the American Union. It varies with the population, with the number of men incarcerated in the prison, and with the ability of the State to dispose of its prison-labor products.

Mr. HAWES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. Certainly.

Mr. HAWES. Referring to the Missouri report, I direct the Senator's attention to the very exhaustive report made on the 12th of December from the Department of Commerce, approved by the president of the chamber of commerce, labor unions, and so forth, in which they show that in one year at one time the Missouri prison officials dumped on the market some \$1,500,000 worth of overalls and broke the overall market in the United States for one year and a half. That is in that report.

Mr. GOFF. I know that is in the report of the Department of Commerce; but if there has been any interference with the economic laws applicable, or with the laws of any State so affected, it is the offense of the State of Missouri or any other State similarly interfering with the laws of supply and demand, or refusing through its officials to observe the laws of the State which may be violated by any such dumping of goods. I do not think such conditions can justify the Senate or the Congress of the United States in assuming legislative jurisdiction to pass such a law. The report, however, is entirely lacking in any constructive suggestions, and while it is analytical and informing, it does not offer any solution in the determination of this pressing and distressing problem. It is the humane aspect and not the economic that should engage our attention and enlist our sympathies.

Of course, I admit that if some State violates the law of another State, or if some State should reach such a point of economic or legal interference with the laws of another State as to deny it a republican form of government, as that right is guaranteed by the Constitution of the United States, then there might exist a situation which would demand or justify the intervention of the Congress of the United States. Under the present circumstances, however, with due respect to my friend from Missouri, I do not consider that such a report, conclusion, or argument is either compelling or persuasive in determining the necessity for the exercise of these great constitutional rights of government.

Mr. HAWES. May I direct the Senator's attention to one of the first Federal enactments on this subject, called the Lacey Act?

Mr. GOFF. Yes; I know that act.

Mr. HAWES. The Lacey Act was intended to preserve the rights of States to protect their birds and fur-bearing animals. It grew out of the shipment from the then Territory of Oklahoma of large quantities of ducks and quail into the markets of the various States; and although these States had prohibitory laws protecting bird and animal life, by reason of the placing upon the market in this way of birds and fur-bearing animals they were unable to enforce their laws. That is the Lacey Act, and it has been sustained.

May I direct the Senator's attention to the fact that some years ago, in the House, I introduced a bill to prohibit the interstate shipment of black bass into States whose laws prohibited their commercial sale; and, if I am not mistaken, the Senator from West Virginia voted for that bill. Certainly it passed both Houses and is now the law.

Returning, however, to the question of invading a State, the Senator, of course, remembers that when the Wilson Act was passed—the so-called "bone dry" law, or the Reed law—liquor had not been outlawed. It was not then "a criminal." It was "a criminal," so to speak, in some States and not in other States; and yet that law has been upheld. If the Senator will

compare this law with the Wilson Act, he will find very little difference in the phraseology of the two enactments.

Mr. GOFF. Mr. President, after referring to the general matters to which I called attention when interrupted by the Senator from Missouri—I intend to discuss those principles and go into all the legal questions suggested—I deem it important to call attention to the very explicit and informing statement by the warden of the penitentiary of the State of Rhode Island, which appears in the record of the proceedings in the Senate committee at page 171. At the time he introduced it into the record my distinguished friend from Missouri was present and did not question or dissent from it. Mr. Putnam adopted the report of the warden of the penitentiary at Columbus, Ohio. It is illuminating and informative. The report said:

In reply to your letter of recent date relative to the bill now before Congress regulating the interstate shipment of prison-made goods, will say that we have the State-use system which, if fully worked, will give work to all prisoners; but I do not want to be as the old story of the dog in the manger, that inasmuch as this law does not affect Ohio I can not see any particular good reason for it being passed, as other States have gone to an expense in putting in factories which, if the law were passed, would become nearly a total loss.

I have always opposed this hullabaloo about prison-made goods—

This is from the warden of a prison in a State-use State—

about prison-made goods, because prisoners themselves are less than the legal alcoholic content of nonintoxicating liquors; that is, less than one-tenth of 1 per cent of the population, and the productive class is about one-half of that, which would make in the sum total one-twentieth of 1 per cent to be considered in competition with 99½ per cent. This is nothing more or less than the walking delegate's stock in trade of argument in order that he may continue to draw a fat salary from the earnings of the wage earner. It seems to me that it is about time that the taxpayers of the States have a little consideration, instead of the consideration being given so much to organized interests, both financial and labor.

Trusting that I have made myself clear,
Sincerely yours,

P. E. THOMAS, Warden.

The view of many laboring and manufacturing representatives is expressed by the following opinions:

Prisoners always work under the worst possible conditions.

Now, understand that this does not say that they sometimes do, but that they always do.

They are always half starved. The same politicians who sell them into chattel slavery also expend the appropriations that the taxpayers provide for the prisoners' food, and prison food is always insufficient, for the most part spoiled and decayed, and improperly cooked and served.

Making the production of commodities for private gain the primary object of prison administration has a natural tendency to take the discipline and administration of punishment out of the hands of public officials and vest it in the employees of the prison-labor contractor.

Now, how can it be seriously contended that these rehabilitating competitive methods of the States, representing the study and the efforts of centuries, are interfering with or can interfere with the free labor of the Nation? If there be competition, it is inconsequential. In fact, modern prison conditions, with their regular hours, wholesome food, good hospitalization, and humane treatment make the prisoner of to-day a capable and industrious employee.

There are in the record reference after reference to the unemployment in the prisons of the great States of Pennsylvania, Massachusetts, New York, Ohio, and other Commonwealths, large and small, to which the Senator from Missouri made reference. Wardens of other State penitentiaries have gone through the penitentiaries of Pennsylvania, and have found hundreds of men, as many as 500 men, walking around in circles because they had nothing to do. The same is true in the prisons of the great State of New York, and there are in this record statements by Colonel Hannan, from the great State of Wisconsin, a gentleman whom I know well, and in whose judgment I have the greatest confidence, that he visited the penitentiaries of the State of Ohio, and that he found there men unemployed, out in the yards playing marbles, "shooting crap," to use his expression, and doing anything and everything to consume and employ their time—during those moments that consume human existence from the rising until the setting of the sun. There was no work, no opportunity to employ the men. They were locked up—shut up—and denied occupation—employment and work—which is the law of life. Men sentenced to idleness are men sentenced to insanity. Such a punishment by society is worse than a crime; it is a selfish blunder, and it can not be justified or sanctified because committed in the name of sovereignty.

The record discloses that the proponents of this measure believe there is great competition with free labor. The statistics show that about one-twentieth of 1 per cent of the labor of this country is represented by prison labor. Obviously under such conditions competition is negligible. And yet there appears in the record the views of President Green, of the American Federation of Labor, to the effect that his organization is endeavoring to prevent the manufacture of prison products that come directly in competition with those sold in the open market. In fact, he specifies that there should be no competition on the part of the States in the employment of their imprisoned wards in the manufacture of brooms, shirts, overalls, furniture, shoes, and all other products which can be and are made by free labor, as that term is used.

Society must not lose sight of the fact that the majority of those in our prisons will some day be released. If these inmates are taught nothing but idleness, they will come out worse citizens than they were when they were sent in, because the absence of productive employment in any penitentiary leads to corruption, crime, and riot. These very conditions to-day exist in many of the penitentiaries of the larger States where the State-use system is observed.

Many of the penitentiaries have limited prison yards, and if the prisoners there incarcerated are not employed, it will be impossible to keep them physically fit and in a healthy, contented state of mind. The fact that in the majority of the prisons of this country the men have the opportunity to earn money which they send to their families makes them more contented and qualifies them to return to social life better men morally, physically, and mentally, and to take their places as useful citizens. In the prisons of the Northwestern States many of the inmates received as high as \$1.30 per day. These men want their families to live and to lead an honest and virtuous life. They want their children educated.

Such men of necessity will become better prisoners if they feel that they are contributing to the happiness and the welfare of those who are dependent upon them. To put a man behind the bars and leave his family destitute, and him in idleness, is to make of our penitentiaries mere incubators of disorder and crime.

The wardens of the penitentiaries of the Nation as well as the penologists all agree that unless the prisoners are employed, the great majority will become habitual criminals and fall into the recidivist class.

Many students of this employment problem have reached the conclusion that a prisoner can not be employed in productive labor within or without prison walls without going into competition with free labor. Prisoners employed in the agricultural and cotton fields of the South compete with free labor. Those engaged in work upon the roads directly under the control of the States deny free labor such employment. Those employed in constructing buildings for the States compete with free labor, and there are many conspicuous instances of this. In passing I cite the employment of 200 prisoners from the State penitentiary in West Virginia engaged in the construction of the Federal Women's Prison at Alderson, W. Va.

In many of the States the number of idle prisoners is appalling. It appears that at Sing Sing Prison a short time ago there were 1,600 idle men, and one of the wardens testifying before the committee stated that he had seen 800 men in the State Prison of Ohio marching into a large hall where they sat from morning until noon and from noon until night. It is no valid objection to the employment of these unfortunates that contractors make a profit out of their labor. The States in their sovereign capacity, unless they go into business, can not well sell such products, and none of our States are in a position to find a market for what their prisoners produce. If the contractor did not make a profit, it certainly follows that he would not be interested in buying articles manufactured in our prisons.

We have by a process of humane and enlightened evolution discarded the harsh and severe punishments of the inquisition periods of human society. We have discarded the stocks, knouts, and the lash. We have come to recognize, as has been well said, that there is some good in the worst of us as well as some bad in the best of us. The world has come to realize that idleness is the most prolific cause of crime. This is shown by the fact that so many of the people confined in our penitentiaries are young men and young women.

If the present bill should become a law it will tend to give effect to practices long since discarded by society. It will be a reach back to the Middle Ages. In the long ago civilization put the branding iron upon the prisoner. It clothed him in stripes, and society abhorred him and hypercritically drew away from him, well knowing that he was, in many instances, confined, because found out, for doing merely what others continue to do until discovered.

The States as well as the Federal Government can not discharge their duty to the prisoners under their control unless they educate them, employ them, and make them better men and women. The passage of this bill will not only curtail the market for prison-made products, but it will produce idleness and disease in our penal institutions and increase the disorders always existing there. I realize that we are confronted by a problem which has existed ever since the organization of our Government. I also know that State and Federal officials charged with the duty of operating our penal institutions agree that the most satisfactory system is to follow a method that not only employs all the prisoners in useful occupations, but a system that makes these establishments self-supporting. Obviously the citizens of this Nation are responsible for the upkeep of our penal and charitable institutions. Such burdens rest heavily upon our entire population, and unless the States reduce such burdens by employing the inmates, then the expense of their upkeep falls equally upon every man, woman, and child who pays taxes for the maintenance and the continuance of democratic government. Everything in this country to-day is taxed all that it can possibly be taxed. There is no untaxed resource, and if the bill now before us should become a law it will be necessary when it is in full operation to increase the rates of taxation upon all property now subject to such levies. The employment of our prisoners in manufacturing and the sale of their products saves the States of the country from the burden of direct and increased taxation. If the citizenship of the Nation should be taxed directly for the purpose of maintaining these penal institutions, then, without question, our State taxes will be increased approximately \$40,000,000 a year.

Mr. President, we might just as well accept this proposition, that if incarcerated men are not morally, vocationally, and properly employed; if they are not to have sanitary surroundings when they do penance "in hard labor"; if their minds are not concentrated and hopeful, then when the courts of this Nation sentence a man to the penitentiary, they are in effect saying, "I give you 5, or 8, or 10 years 'at hard labor' in our State insane asylum. I do not call it by that name but that is what you will find it in fact before you have served your sentence and done the penance which the laws of this State require you to do ere you can be returned to your family as a useful member of our human oligarchy."

Mr. HAWES. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. Certainly; and I will say to the Senator from Missouri that I yield to him at any time. He may just rise and ask questions whenever he wishes or the thought prompts him.

Mr. HAWES. Just as I yielded to the Senator the other day.

Mr. GOFF. Yes; at any time, because we are seeking to reach the truth of this matter, and I want the Senator to interrupt whenever the spirit moves him.

Mr. HAWES. The Senator is quoting a description of an Ohio penitentiary by an official of a Wisconsin penitentiary. Is that correct?

Mr. GOFF. Yes.

Mr. HAWES. It seems to me the Senator should give us some testimony, which is at his disposal, about employment at the Ohio Penitentiary from the United States statistics and the statistics of Ohio. While I am speaking, may I call the attention of the Senator to his quoting Mr. Putnam?

Mr. GOFF. Certainly.

Mr. HAWES. Mr. Putnam is from the State of Rhode Island.

Mr. GOFF. Yes.

Mr. HAWES. When we read the United States reports we understand why Mr. Putnam really complains. The Bureau of Labor Statistics shows that in 1925 in Rhode Island \$1,400,000 was the total valuation of prison products. Of this amount, \$1,396,000 worth are sold outside of the State and only \$4,000 sold within the State. Yet the average income to the State is approximately only \$90,000 for the employment of 260 men, and this million dollars' worth of goods is breaking the markets in all the States which are neighbors of Rhode Island. Naturally Mr. Putnam is opposed to this measure.

Mr. GOFF. Mr. President, I shall now discuss the question propounded by the Senator from Missouri, and which I promised to discuss. He asked, What would be the effect upon penitentiary labor of the restrictive provisions of this bill, Senate bill 1940? The bill provides:

That all goods, wares, and merchandise manufactured, produced, or mined shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods,

wares, and merchandise had been manufactured, produced, or mined in such State or Territory.

Then the Senator from Missouri seemingly satisfies himself by concluding that the bill if enacted would not interfere with the interstate commerce shipment of goods into States that had not required by their laws that such goods, wares, and merchandise should be submitted to the laws of that State.

I asked the Senator from Missouri whether he could state the number of States having such restrictive or limited enactments, and he did not agree that they did not exceed 12 in number. What I desire to make plain is that if this bill should become a law, then it is an invitation to every State, an invitation to every one of the 48 States, with millions of men and women behind the movement, to have such restrictive laws passed as now exist in the 10 or 12 States out of the 48 States of this Union. So that we would have such an interdiction placed upon prison-made goods that those goods could not be shipped in interstate commerce with any profit from the State where they were manufactured, because in every State into which they might be shipped they would be subject, as soon as their interstate-commerce character had ceased, to the laws and the regulations of such Commonwealth.

Mr. WATERMAN. Mr. President, I would like to ask, if the Senator will permit me, whether or not this bill does not subject this kind of commerce to two things in the State, to wit, the police power of the State and also the general sovereign power of the State, which is above and beyond and different from the police power, but is reserved by the Constitution to the States. In other words, it is not limited, if this bill shall go into effect, to the exercise of the police power of the State. Is that correct?

Mr. GOFF. That is absolutely correct, as I view this measure, and as I interpret the bill. And in this very connection, and as confirmatory of what the Senator from Colorado has said, the tenth amendment to the Constitution of the United States provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

The enactment of this bill would be a clear invasion of the tenth amendment to the Constitution of the United States in that it would serve notice upon the States that they should proceed to exercise their so-called police power, and that if they did not so exercise it that then they would suffer an invasion of their reserved dominion by the Congress of the United States acting under, by, and through an improper application of a strictly limited and delegated power.

Mr. WATERMAN. Mr. President, will the Senator yield further?

Mr. GOFF. Certainly.

Mr. WATERMAN. As I take it, any part of the police power which the State possesses with reference to this character of goods can be exercised without this legislation, can it not?

Mr. GOFF. Exactly.

Mr. WATERMAN. Then the purpose of the bill is to reach beyond and into the sovereign powers of the State and have them apply upon interstate commerce?

Mr. GOFF. Exactly. Such a law would be a delegation of Federal power, a surrender of a prohibited power to the States to be used by them along with the powers which were reserved to the States when the Constitution was adopted. The principles of constitutional law which determine and answer the issues here involved are not new. They have been set forth time and time again by the Supreme Court of the United States. I shall now proceed to review them and in chronological order.

This bill is admitted by its proponents to be founded upon and modeled solely after the so-called Wilson Act.

Mr. CURTIS. Mr. President, I understand the Senator is just beginning to discuss the constitutionality of this measure. Would he rather proceed with it in the morning? An executive session is desired. If the Senator desires to stop now, I will move an executive session, or, if he would rather go on, he may proceed for a while.

Mr. GOFF. I am perfectly willing to cease now and begin the constitutional argument, with the record such as I have made it, to-morrow.

MEMORIAL TO BATTLE OF FORT FISHER

The PRESIDING OFFICER (Mr. VANDENBERG in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 4302) to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher, which were, on page 1, line 3, after the word "convey," to insert "subject to the condi-

tions contained in section 2 of this act," and on page 2, line 23, after the word "proceeding," to insert "such conditions to be recited in the deed or instrument of conveyance," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey, subject to the conditions contained in section 2 of this act, the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., for improvement and maintenance as a memorial to commemorate the Battle of Fort Fisher. The property to be transferred under this act was conveyed to the United States by deed of April 7, 1817, from Charles B. Gause, registered in the records of New Hanover County in Book P, page 305, and is described therein as "a certain piece or parcel of land situate, lying, and being in the State of North Carolina and county of New Hanover on Federal Point near the new inlet of Cape Fear River, whereon the beacon erected by the United States now stands, to contain one square acre of land, the beacon being the center of said square acre," together with "the use and privilege of the most convenient and usual landing place on said point from the river and from said landing place free egress and regress over the said point of land."

Sec. 2. In the event the city of Wilmington should fail to improve or to maintain the said property in the manner contemplated by this act the Secretary of Commerce may at any time by letter addressed to its chief executive officer or officers notify the city of Wilmington that the property conveyed will revert to the United States, and if the city of Wilmington does not begin or resume the performance of such improvement or maintenance within a period of six months from the date of such notice, the said property shall, upon the expiration of such period, revert to the United States without further notice or demand or any suit or proceeding, such conditions to be recited in the deed or instrument of conveyance. The United States reserves the right to resume ownership, possession, and control for Government purposes of the said property so conveyed at any time and without the consent of the grantee.

Mr. SIMMONS. I move that the Senate concur in the amendments made to the bill by the House.

The motion was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 10 minutes p. m.) took a recess until to-morrow, Wednesday, December 19, 1928, at 12 o'clock meridian.

ARBITRATION WITH AUSTRIA

In executive session this day, the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Austria, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Austria, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, December 1, 1928.

The President of the United States of America and the Federal President of the Republic of Austria

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their

mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention which was signed at Washington, January 15, 1909, but is not now in force, and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The Federal President of the Republic of Austria, Mr. Edgar L. G. Prochnik, Envoy Extraordinary and Minister Plenipotentiary to the United States of America,

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Austria in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Austria in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Austria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
EDGAR PROCHNIK [SEAL]

ARBITRATION WITH LITHUANIA

In executive session this day, the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Lithuania, signed at Washington on November 14, 1928.

THE WHITE HOUSE, December 8, 1928.

CALVIN COOLIDGE.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the

Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Lithuania, signed at Washington on November 14, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Lithuania

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America;

The President of the Republic of Lithuania:

Mr. Bronius K. Balutis, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Lithuania at Washington;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Lithuania in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Lithuania in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Lithuania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the fourteenth day of November in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
B. K. BALUTIS [SEAL]

ARBITRATION WITH FINLAND

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Finland, signed at Washington on June 7, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Finland, signed at Washington on June 7, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Finland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries,

The President of the United States of America, Mr. Frank B. Kellogg, Secretary of State of the United States;

The President of the Republic of Finland, Mr. L. Aström, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland to the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof and on the part of Finland in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Finland in accordance with the Covenant of the League of Nations.

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent

of the Senate thereof and by Finland in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English language, and hereunto affix their seals.

Done at Washington the seventh day of June in the year of Lord one thousand nine hundred and twenty-eight.

[SEAL]

FRANK B. KELLOGG

[SEAL]

L. ASTRÖM

ARBITRATION WITH DENMARK

In executive session this day the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Denmark, signed at Washington on June 14, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Denmark, signed at Washington on June 14, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, December 1, 1928.

The President of the United States of America and His Majesty the King of Denmark and Iceland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the United States and Denmark;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between the two countries; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on May 18, 1908, which expired by limitation on March 29, 1914, and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America: Mr. Frank B. Kellogg, Secretary of State of the United States;

His Majesty the King of Denmark and Iceland: Mr. Constantin Brun, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington; who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington April 17, 1914, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Denmark in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Denmark in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Denmark in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Danish languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fourteenth day of June, one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
C. BRUN. [SEAL]

ARBITRATION WITH POLAND

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Poland, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Poland, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Republic of Poland

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America
Mr. Frank B. Kellogg, Secretary of State of the United States of America;

The President of the Republic of Poland
Mr. Jan Ciechanowski, Envoy Extraordinary and Minister Plenipotentiary of Poland to the United States; who, having

communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special treaty, which special treaty shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special treaty in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Poland by the President of the Republic of Poland in accordance with Polish constitutional law.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Poland in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the Republic of Poland in accordance with Polish constitutional law.

The ratifications shall be exchanged at Warsaw as soon as possible, and the treaty shall take effect on the thirtieth day after the date of the exchange of ratifications.

It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate, each in the English and Polish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the 16th day of August in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
JAN CIECHANOWSKI [SEAL]

ARBITRATION WITH CZECHOSLOVAKIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Czechoslovakia, signed at Washington on August 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Czechoslovakia, signed at Washington on August 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and the President of the Czechoslovak Republic

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries The President of the United States of America;

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the Czechoslovak Republic;

Mr. Zdeněk Fierlinger, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Washington; Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Czechoslovakia in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Czechoslovakia in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Czechoslovakia in accordance with its constitutional laws.

The ratifications shall be exchanged at Prague as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Czechoslovak languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the sixteenth day of August in the year of our Lord one thousand nine hundred and twenty-eight.

[SEAL]
[SEAL]

FRANK B. KELLOGG.
ZD. FIERLINGER.

ARBITRATION WITH ALBANIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Albania, signed at Washington on October 22, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Albania, signed at Washington on October 22, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, December 1, 1928.

The President of the United States of America and His Majesty the King of the Albanians

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America, and

His Majesty the King of the Albanians;

Mr. Falk Konitza, Envoy Extraordinary and Minister Plenipotentiary of Albania in the United States of America;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Albania in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Albania in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Albania in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Albanian languages,

the English text to have authority in case of conflict between the two texts, and hereunto affixed their seals.

Done at Washington the twenty-second day of October in the year one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
FAIK KONITZA [SEAL]

ARBITRATION WITH SWEDEN

In executive session this day the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Sweden, signed at Washington on October 27, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and Sweden, signed at Washington on October 27, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

The President of the United States of America and His Majesty the King of Sweden

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on June 24, 1924, and for that purpose they have appointed as their respective Plenipotentiaries;

The President of the United States of America,

Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of Sweden,

W. Boström, Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington, October 13, 1914, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Sweden in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Sweden in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Sweden with the consent of the Swedish Riksdag.

The ratification shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications, from which date the arbitration convention signed June 24, 1924, shall cease to have any force or effect. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Swedish languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-seventh day of October, in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG [SEAL]
W. BOSTRÖM [SEAL]

NOMINATIONS

Executive nominations received by the Senate December 18 (legislative day of December 17), 1928

UNITED STATES ATTORNEY

Julien A. Hurley to be United States attorney for the fourth division of the district of Alaska. (A reappointment, his term having expired.)

POSTMASTERS

ARKANSAS

Viola Leake to be postmaster at Altheimer, Ark., in place of Viola Leake. Incumbent's commission expires December 29, 1928.

Nettie M. O'Neill to be postmaster at Earl, Ark., in place of N. M. O'Neill. Incumbent's commission expires December 29, 1928.

Marion M. Parker to be postmaster at Griffin, Ark., in place of M. M. Parker. Incumbent's commission expires December 29, 1928.

Luther H. Presson to be postmaster at Mansfield, Ark., in place of L. H. Presson. Incumbent's commission expires December 29, 1928.

John H. Martin to be postmaster at Russellville, Ark., in place of J. H. Martin. Incumbent's commission expires December 29, 1928.

CALIFORNIA

Morris E. Crane to be postmaster at Pine Knot, Calif., in place of F. C. Skinner, resigned.

COLORADO

James S. Bradbury to be postmaster at Silt, Colo., in place of J. S. Bradbury. Incumbent's commission expires December 29, 1928.

FLORIDA

Victor Allen to be postmaster at Bushnell, Fla., in place of N. B. Winslow, resigned.

GEORGIA

John W. Moore to be postmaster at Crawford, Ga., in place of J. W. Moore. Incumbent's commission expired December 18, 1928.

Walter L. Turner to be postmaster at Lagrange, Ga., in place of W. L. Turner. Incumbent's commission expired December 18, 1928.

Johnnie B. Roddenbery to be postmaster at Thomasville, Ga., in place of J. B. Roddenbery. Incumbent's commission expires December 20, 1928.

ILLINOIS

John S. Redshaw to be postmaster at Granville, Ill., in place of J. S. Redshaw. Incumbent's commission expired December 10, 1928.

IOWA

Samuel W. Campbell to be postmaster at Anthon, Iowa, in place of S. W. Campbell. Incumbent's commission expires December 29, 1928.

Verne T. Herrick to be postmaster at Bridgewater, Iowa, in place of V. T. Herrick. Incumbent's commission expires December 29, 1928.

John T. Bargenholt to be postmaster at Orient, Iowa, in place of J. T. Bargenholt. Incumbent's commission expires December 29, 1928.

Clarence D. Bourke to be postmaster at Primghar, Iowa, in place of C. D. Bourke. Incumbent's commission expires December 29, 1928.

Arthur O. Reinhardt to be postmaster at Van Horne, Iowa, in place of A. O. Reinhardt. Incumbent's commission expired June 6, 1928.

Bruce R. Mills to be postmaster at Woodbine, Iowa, in place of B. R. Mills. Incumbent's commission expires December 29, 1928.

LOUISIANA

Clem S. Clarke to be postmaster at Shreveport, La., in place of C. W. Page, deceased.

MASSACHUSETTS

Edmund Daly to be postmaster at Hingham, Mass., in place of Edmund Daly. Incumbent's commission expired December 10, 1928.

MINNESOTA

Arthur F. Johnson to be postmaster at Dent, Minn., in place of A. F. Johnson. Incumbent's commission expires December 29, 1928.

Effie B. Starkweather to be postmaster at Hackensack, Minn., in place of E. O. King, removed.

Frederick A. Cooley to be postmaster at Heron Lake, Minn., in place of F. A. Cooley. Incumbent's commission expires December 29, 1928.

MISSOURI

Lola L. Higbee to be postmaster at Schell City, Mo., in place of Estella Marquis. Incumbent's commission expired February 17, 1926.

Dana Gerster to be postmaster at Stella, Mo., in place of Dana Gerster. Incumbent's commission expired December 10, 1928.

MONTANA

J. Clarence Manix to be postmaster at Augusta, Mont., in place of J. C. Manix. Incumbent's commission expires December 29, 1928.

Charles E. June to be postmaster at Forsyth, Mont., in place of C. E. June. Incumbent's commission expires December 29, 1928.

NEW JERSEY

Hilding W. Hammarlund to be postmaster at Ridgefield Park, N. J., in place of W. O. Maschke. Incumbent's commission expired January 15, 1928.

NEBRASKA

George W. Whitehead to be postmaster at Mason City, Nebr., in place of G. W. Whitehead. Incumbent's commission expired December 11, 1928.

NEW MEXICO

Mahan Wyman to be postmaster at Loving, N. Mex., in place of Mahan Wyman. Incumbent's commission expired December 13, 1928.

Agnes M. Walsh to be postmaster at Santa Rita, N. Mex., in place of D. J. Walsh, deceased.

NEW YORK

Guy Shook to be postmaster at Claverack, N. Y., in place of M. L. Becker, deceased.

Eleanor C. Griffing to be postmaster at Shelter Island, N. Y., in place of E. C. Griffing. Incumbent's commission expires December 29, 1928.

NORTH DAKOTA

Karl E. Fischer to be postmaster at Hague, N. Dak. Made presidential July 1, 1928.

Erick Myhre to be postmaster at Hampden, N. Dak., in place of Erick Myhre. Incumbent's commission expires December 29, 1928.

Katie H. Hanson to be postmaster at Munich, N. Dak., in place of K. H. Hanson. Incumbent's commission expired December 12, 1928.

OHIO

George H. Scheetz to be postmaster at Bridgeport, Ohio, in place of G. H. Scheetz. Incumbent's commission expired December 17, 1928.

Edwin Seedhouse to be postmaster at Doylestown, Ohio, in place of C. W. Shaffer, resigned.

John T. Wood to be postmaster at East Liverpool, Ohio, in place of J. E. McClure, deceased.

Jennie Fickes to be postmaster at Empire, Ohio, in place of Jennie Fickes. Incumbent's commission expired December 10, 1928.

Bayard F. Thompson to be postmaster at Jewett, Ohio, in place of B. F. Thompson. Incumbent's commission expired March 1, 1928.

John M. McConnell to be postmaster at Mingo Junction, Ohio, in place of J. M. McConnell. Incumbent's commission expired December 17, 1928.

Wellington T. Huntsman to be postmaster at Toledo, Ohio, in place of W. T. Huntsman. Incumbent's commission expires December 20, 1928.

OKLAHOMA

Charles F. Ritcheson to be postmaster at Maysville, Okla., in place of C. F. Ritcheson. Incumbent's commission expired December 10, 1928.

Boone A. Leatherman to be postmaster at Rosston, Okla., in place of B. A. Leatherman. Incumbent's commission expired May 5, 1928.

PENNSYLVANIA

Christian S. Clayton to be postmaster at Huntingdon Valley, Pa., in place of C. S. Clayton. Incumbent's commission expired December 16, 1928.

Anna Postupack to be postmaster at McAdoo, Pa., in place of John Skweir. Incumbent's commission expired January 8, 1928.

Charles M. Wilkins to be postmaster at Wayne, Pa., in place of C. M. Wilkins. Incumbent's commission expired December 17, 1928.

SOUTH CAROLINA

Benjamin T. Frierson to be postmaster at Conway, S. C., in place of B. T. Frierson, resigned.

LeGrand G. Bolin to be postmaster at Neeses, S. C., in place of T. J. Bolin, resigned.

TEXAS

Winnie B. Carroll to be postmaster at Center, Tex., in place of W. B. Carroll. Incumbent's commission expires December 19, 1927.

Samuel J. Hott to be postmaster at Channing, Tex., in place of S. J. Hott. Incumbent's commission expired December 10, 1928.

William G. Shelton to be postmaster at East Bernard, Tex., in place of W. G. Shelton. Incumbent's commission expired December 10, 1928.

Emma Woody to be postmaster at Girard, Tex., in place of Emma Woody. Incumbent's commission expired December 10, 1928.

Jim H. McFarlin to be postmaster at Liberty Hill, Tex., in place of J. H. McFarlin. Incumbent's commission expired December 10, 1928.

Mary M. Ferrel to be postmaster at Roby, Tex., in place of M. M. Ferrel. Incumbent's commission expired December 10, 1928.

Walter J. Kveton to be postmaster at Sealy, Tex., in place of W. F. Viereck, deceased.

William R. Holton to be postmaster at Thornton, Tex., in place of W. R. Holton. Incumbent's commission expired December 10, 1928.

UTAH

Paul G. Johnson to be postmaster at Grantsville, Utah, in place of P. G. Johnson. Incumbent's commission expired December 13, 1928.

David T. Lewis to be postmaster at Spanish Fork, Utah, in place of D. T. Lewis. Incumbent's commission expired December 13, 1928.

WISCONSIN

Helen L. Menzner to be postmaster at Marathon, Wis., in place of A. P. Gertschen, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 18 (legislative day of December 17), 1928

APPRAISERS OF MERCHANDISE

Edward J. Rodrigue to be appraiser of merchandise, customs collection district No. 20, New Orleans, La.

James F. Ingraham to be appraiser of merchandise, customs collection district No. 4, Boston, Mass.

UNITED STATES PUBLIC HEALTH SERVICE

To be passed assistant surgeons

Erval R. Coffey.	Lucius F. Badger.
Adolph S. Rumreich.	Albert E. Russell.
Ernest E. Huber.	Alfred J. Aselmeyer.
Edwin H. Carnes.	

To be assistant surgeons

Hiram J. Bush.	Robert W. Cranston.
Donald P. Ross.	Lee C. Watkins.
Richard A. Steere.	Edgar W. Norris.
Aubrey E. Snowe.	Robert G. Townsend.
Samuel J. Hall.	Paul A. Neal.
Walter L. Barnes.	Richard B. Holt.
Milton A. Gilmore.	Gilbert L. Dunnahoo.
Henry N. Fisher.	William C. Plumlee.
Houston G. Foster.	

To be senior surgeon

Mark J. White.

POSTMASTERS

COLORADO

Sadie Mear, Buena Vista.
Ferd G. Smith, Kim.

IDAHO

Catherine J. Craig, Avery.
Golda O. Coy, Bovill.
Flossie G. Hill, Gooding.

KANSAS

Robert W. Cyr, Aurora.
Enos F. Halbert, Chapman.

KENTUCKY

Herbert E. Dixon, Scottsville.

MARYLAND

Mary N. Yates, La Plata.

MICHIGAN

Leon D. Corwin, Ashley.

MONTANA

Alice L. Cory, East Helena.

OHIO

William C. Parks, Cadiz.
Guy G. Patchen, Columbiana.
Elizabeth I. Grimm, Hopedale.
Gertrude E. Lawson, Irondale.
Walter L. Peet, Leetonia.
Perry A. Dickey, Rogers.
Frank J. Eckstein, Salem.

OKLAHOMA

John R. O'Connell, Willow.

PENNSYLVANIA

Clement A. Grieff, Carrolltown.
John F. Parrish, Cresson.
Margaret E. Warnock, Darlington.
Mae Ford, Exedit.
George M. Miller, Friedens.
Oliver H. Firm, Grove City.
Clarence R. Baker, Hollisopple.
Charles D. Gramling, South Fork.
Eli H. Shockey, Stoyestown.
Howard L. Orr, Tyrone.

TEXAS

James M. Stratton, Blum.
Alphonse Boog, D'Hanis.
Sylvan S. McCrary, Joaquin.
William I. Witherspoon, McAllen.
Charles A. Reiter, Muenster.
Charles I. Snedecor, Needville.
Lydia Teller, Orange Grove.
Casimiro P. Alvarez, Rio Grande.
George M. Sewell, Talpa.
Charles F. Boettcher, Weimar.

VERMONT

Charles H. Stetson, Enosburg Falls.
Ernest W. Gates, Morrisville.
Avery G. Smith, Saint Albans.
Charles E. Hall, Swanton.
Archie S. Haven, Vergennes.

WEST VIRGINIA

John M. Stratton, Man.

WITHDRAWAL

Executive nomination withdrawn from the Senate December 18 (legislative day of December 17), 1928

POSTMASTER

PENNSYLVANIA

Frank S. Grau to be postmaster at Ardsley, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, December 18, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Galilean Savior, the World's Redeemer, Thou who hast past through the inmost sanctuary of suffering and shed a radiance there, hear us as we tarry in prayer. Death is with us; in its shroud lies an honorable Member of this Chamber, capable in the public service, splendidly upright, and good in private life. He has followed the path of our ascended Lord and walks in the newness of life forever. Yet, Father in Heaven, the song of praise is not burdened and stilled on our lips; neither is the music of our hearts turned into discordant wailing. Death is only a new contact with the infinite God. Through Thy only begotten Son, the grave is empty and the throne is full. Oh, eternity, eternity, is here and near; gird us with its glory and envelop us in its song. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Perkins, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

The message also announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREENE, Mr. MCMASTER, Mr. BROOKHART, Mr. FLETCHER, and Mr. TYSON to be the conferees on the part of the Senate.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report upon the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 8, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 9, 10, 11, 12, 13, 14, 15, and 16, and agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17,

and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$186,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$19,400,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$59,300,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$4,300,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$5,100,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 7.

Except on No. 8.

I concur except on Senate amendment No. 5.

Except amendments 5 and 6.

WILL R. WOOD,

M. H. THATCHER,

JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,

REED SMOOT,

GEO. H. MOSES,

LEE S. OVERMAN,

WM. J. HARRIS,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report, as to each of such amendments, namely:

TREASURY DEPARTMENT

On No. 1: Makes a technical correction in the "average provision" governing the payment of salaries under the Classification act of 1923 as amended.

On Nos. 2 and 3, relating to the office of Treasurer of the United States: Provides for one Assistant Treasurer, as proposed by the House, instead of two, as proposed by the Senate, and appropriates \$1,170,000, as proposed by the House, instead of \$1,175,000, as proposed by the Senate.

On No. 4: Appropriates \$34,703,870, as proposed by the Senate, instead of \$34,500,000, as proposed by the House, for the expenses of the Bureau of Internal Revenue.

On No. 5: Strikes out the amendment, inserted by the Senate, relative to the submission of reports of disbursements of refunds of internal-revenue taxes erroneously or illegally collected.

On No. 6: Appropriates \$13,500,000, as proposed by the House, instead of \$270,627,384, as proposed by the Senate, for the Bureau of Prohibition.

On No. 8: Appropriates \$215,500, as proposed by the House, instead of \$247,825, as proposed by the Senate, for rural sanitation work under the Public Health Service.

On Nos. 9, 10, and 11, relating to the mints and assay offices: Appropriates \$1,646,440, as proposed by the Senate, instead of \$1,635,500, as proposed by the House, and restores the mint at Carson, Nev., and the assay office at Salt Lake City, Utah.

On Nos. 12, 13, 14, and 15, relating to the public building at Lubbock, Tex.: Fixes the limit of cost at \$335,000, as proposed by the Senate, instead of \$220,000, as proposed by the House, and provides for court facilities in the building, as proposed by the Senate, instead of having the building so constructed that such facilities might be added later as was proposed by the House.

On No. 16, relating to the public building at Portland, Oreg.: Fixes the limit of cost of the building at \$1,950,000, as proposed by the Senate, instead of at \$1,600,000, as proposed by the House.

POST OFFICE DEPARTMENT

On No. 17: Appropriates \$186,000,000, instead of \$186,800,000, as proposed by the Senate, and \$185,000,000 as proposed by the House, for employees at first and second class post offices.

On No. 18: Appropriates \$19,400,000, instead of \$19,500,000, as proposed by the Senate, and \$19,300,000, as proposed by the House, for the vehicle service.

On No. 19: Appropriates \$59,300,000, instead of \$59,500,000, as proposed by the Senate, and \$59,000,000, as proposed by the House, for employees in the Railway Mail Service.

On Nos. 20, 21, and 22, relating to the transportation of foreign mail: Appropriates \$23,000,000, as proposed by the House, instead of \$23,250,000, as proposed by the Senate; fixes the amount that may be used for transportation of foreign mail by aircraft during the fiscal year 1930 at \$4,300,000 instead of \$4,400,000, as proposed by the Senate, and \$4,000,000, as proposed by the House; and limits the amount of contractual obligations for expenditures for transportation of foreign mail by aircraft during the fiscal year 1931 at \$5,100,000 instead of \$4,800,000, as proposed by the House, and \$5,200,000, as proposed by the Senate.

The committee of conference have not agreed to Senate amendment No. 7, relating to the use of funds under the Bureau of Prohibition for enforcement of the law relating to narcotics.

WILL R. WOOD,

M. H. THATCHER,

JOSEPH W. BYRNS,

Managers on the part of the House

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I joined in the conference report with the exception of Senate amendment No. 5, which was introduced by the Senator from Tennessee, Mr. McKellar, which related to tax refunds. That amendment possibly should have been changed in some respects, but I was sorry that the conferees did not agree to some amendment which I felt could have been adopted, and which would have given further publicity to some of these large refunds that are being made from time to time by the Treasury Department.

The House is aware of the fact that this bill as it passed the Senate carried an amendment increasing the sum for prohibition enforcement by \$250,000,000. I need not say to the House that I am heartily in favor of strict enforcement of the prohibition law, and I think everyone must agree that it has not been strictly enforced during the last seven and a half years. To those of us who want to see all laws enforced—and we all do—it is a source not only of regret but it is humiliating that a law upon the statute books should be enforced in such a lax manner as this law has been enforced during the past seven and a half years, because I dare say there is not a State in the Union where it is not being flagrantly violated, more so, of course, in some States than in others.

When the officers of the Government having charge of the enforcement of that law were before the subcommittee of the Committee on Appropriations of the House I endeavored by some questions to find out just what would be necessary in order to secure a better enforcement of the law, because the head of the Prohibition Bureau and of the Coast Guard, which is charged with preventing smuggling, both admitted that the law was not being fully enforced. In explanation they insisted that not enough money was being provided for that purpose, but on inquiry no one who appeared before us was able to say just how much was needed.

I asked the admiral of the Coast Guard particularly just how many additional boats he would require in order to prevent smuggling on our coasts, and he said that he could not tell at that time. He stated that considerable progress had been made upon the Atlantic coast. I think he said a seventh or an eighth of the supply which had formerly come in was still coming in at various points on the Atlantic coast and, further, that no attention whatsoever is being paid to the Pacific coast. Undoubtedly, if this law is to be enforced as it should be, more money must be provided; but each year the administration comes forward with practically the same estimate for appropriation in the face of the fact that those in charge of the enforcement of this law say that it is not by any means sufficient to enforce the law. But what were we to do? No program was submitted, no one was willing to state just how much additional money was needed, or what would be done with any additional money that might be provided. As a matter of fact, under the present appropriation, notwithstanding the law which was passed a year or two ago provided that all employees of the prohibition service should be put under the civil service,

only about two-thirds are under civil service now, and if you were to appropriate \$250,000,000 I am satisfied that if it were used at all it would be used in making appointments of prohibition officers and agents throughout the country not under civil service but, as has happened in many States in the past, through political favoritism; and I was unwilling, in the face of the fact that we are confronted with a deficit, which seems to be inevitable if the figures of the Treasury Department are correct, to vote \$250,000,000 out of the United States Treasury when we had no program before us and no intimation or idea as to just how it would be expended if it were so appropriated and no request from the administration for further funds.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. O'CONNOR of New York. If the gentleman followed his argument to a logical conclusion, that \$13,000,000 does not enforce in any State in the Union, then why appropriate anything to enforce the law? Why waste \$13,000,000 when it is not effective?

Mr. BYRNS. I think it is to a certain extent effective, but when I speak of enforcement, of course, I am speaking of that complete enforcement of the law which we all desire to see happen and which the people have a right to expect; but I will say to the gentleman that if there had been a possibility of increasing the appropriation even in conference by something like \$50,000,000 or even more, I would gladly have supported such a proposition if we could have been given some assurance that it would be used in an effective way and not merely to put more political appointees on the Government pay roll.

And I notice one thing, gentlemen, that every proposition that has been made upon the floor of the House or the floor of the Senate for an increase of this appropriation has come from those who are not in sympathy with this law, and some of them go so far as to state that no amount of money that may be appropriated would be sufficient to enforce it. The Republican Party pledged the people in the recent campaign that it would enforce the prohibition law. Notwithstanding its lamentable failure to do so during the past seven and one-half years the people accepted its promise. Those in charge of its enforcement say they can not enforce it without more money. If this Republican administration sincerely wishes to enforce this law as it promised the people it would do then it should propose and present to this session of Congress, for a deficiency bill, a program for the better enforcement of this law, because I do not believe there are any Members of Congress who would refuse to vote sufficient money to enforce the law if they were given some kind of an assurance that the money appropriated would be properly expended for enforcement and not for political purposes.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS. In just a minute. We know this: This amendment was placed upon the bill in the Senate by a distinguished Senator who is every ready to declare his opposition to prohibition and who even yesterday in a statement on the floor of the Senate said that he did not believe that it could be enforced other than by something like an inquisition in this country. Without reflecting upon any gentleman who favors these large appropriations, under these circumstances, those of us who really and conscientiously believe in prohibition and want to see the law enforced as it should be enforced naturally have some reason to suspect the real motives of those gentlemen who never lose an opportunity to attack prohibition and the law upon the statute books but who insist upon these larger appropriations. They must know that in the absence of a careful program by the administration it would be wasted, and perhaps that may be one reason why these active wets make these efforts. They hope to make the law unpopular.

Mr. BLANTON. Will the gentleman yield? If we gave them the money—

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNS. May I have five additional minutes?

Mr. WOOD. I yield the gentleman five additional minutes.

Mr. BLANTON. If we gave them the money they would not have any excuse whatever for saying they could not enforce it, would they?

Mr. BYRNS. No; but I am not willing to vote \$250,000,000 without some information as to how it will be expended.

Mr. BLANTON. I noticed that during the recent months the administration leaders have directed much criticism against the State of New York for repealing the State prohibition laws, but none of them have directed any criticism toward the administration for permitting the local laws here in the city of the Nation's Capital to be repealed. There is no local law here that applies in the District.

For instance, the District officials have 1,400 policemen in Washington, and only 20 can make arrests for violations of the prohibition law. The others of the fourteen hundred are helpless, and there has been no attempt whatever to reenact the old Sheppard Act that permitted enforcement by local officials here in the District of Columbia. That would be one step toward enforcement.

Mr. BYRNS. Undoubtedly. The wonder is that so little effort toward honest enforcement has been made and yet many of the prohibitionists of the country indorsed it. I am sure Doctor Doran, of the Prohibition Bureau, and Admiral Billard, of the Coast Guard, are doing all they can with the limited funds at their command. The fault lies with the administration which does not formulate plans for a more rigid enforcement and ask for sufficient money to make it effective. On the contrary, it comes forward each year with the same old request for the same amount of money to be expended in the same old way. Each year Congress has increased it to some extent—

Mr. O'CONNOR of New York. If the gentleman will permit me to clear up the situation—

Mr. BYRNS. I have but a minute.

Mr. O'CONNOR of New York. I want to say this about men advocating these increased appropriations because they are against prohibition: There are some men in the House, including myself, who have never voted for an appropriation to enforce prohibition because I believe the people do not want it. I have not even voted for the \$13,000,000 because I believe the American people are against it, and anybody who says he wants enforcement directed against his friends or companions is not frank with the world.

Mr. BYRNS. I was not questioning the motive of the gentleman from New York or any other gentleman on the floor of this House; but I have always been taught to beware of Greeks bearing gifts, and I have noticed that these amendments seeking large appropriations always come from those gentlemen who are recognized as ardent opponents of the prohibition law and gentlemen who do not believe in it. Neither do I, of course, mean to impute any insincerity to any of these gentlemen; but what I want to see is this: I want to see those who are in charge of the enforcement of this law, if they really want to enforce it, come to Congress with a constructive program and tell us how they expect to spend the money, and until they do this I can not with good conscience vote for this immense increase of \$250,000,000 to be put into the hands of the administration which has not asked for it. Certainly this ought not to be done until the administration has told the Congress how it expects to expend it. And especially is that true when we are confronted with the fact that we are going to have a deficit in all probability next year.

That was my reason for joining in this conference report. I can not conceive of Congress voting \$250,000,000 for the enforcement of law when the administration and those in charge of it have neither asked for it nor told us how they are going to expend it. I do not think we should be swept off our feet for any reason, political or otherwise, in the effort to place this big charge upon the Treasury merely because it is for prohibition or for any other reason. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, I believe the position of a Member who is opposed to the prohibition laws seeking sufficient appropriations to enforce these impossible laws is much more easily explained than that of the champions of the dries who stand up and vote against necessary appropriations to enforce the laws. We are simply tired of being called nullifiers of the law and pointed out as flouters of the law, as opponents of the Constitution, and then coming to Congress and hearing from the same Members who criticize us, Members who pretend to believe in the eighteenth amendment of the Constitution and champions of the enforcement law, while knowing in their hearts that the law can not be enforced, going through the mockery of voting measly appropriations when they know those appropriations are not sufficient to attempt to enforce the law, because they know the law can not be enforced, but will not admit it. [Applause.]

The distinguished gentleman from Tennessee [Mr. BYRNS] states that there is no plan ready. Why, your very enforcement law is the plan. That is not the reason. The real reason is that the law is a failure, and you know it. I submit that the sending of 250 agents on an average in each State, while not even half sufficient, is at least a reasonable plan. There are no dries who

can honestly complain against that. The distribution of 3,000 agents on the Canadian border, Gulf, Atlantic, and Pacific coasts is a most reasonable plan, and no one can honestly say that is extravagant. By trying to make the law applicable to all States, and not only to New York City, with a small force in each State, would cost \$30,000,000 alone. Putting of 3,000 agents on the border lines would cost you \$10,000,000. Proper supervision of industrial alcohol would cost at least \$10,000,000, and real enforcement of the narcotic law alone would cost \$25,000,000 a year. There is \$75,000,000 to start, and that would only commence to organize the skeleton of the force necessary to enforce this prohibition law.

Gentlemen, I do not criticize the personal habits of any dry. I believe the eighteenth amendment has brought about a new code of conduct among American gentlemen. In other words, "people who have liquor in their glasses should not look into the other fellow's glass." [Laughter.] I am criticizing the legislative attitude of the dries. The only way to try out this law is to enforce it. We know it can not be enforced. As long as the dries insist that it can be enforced and should be enforced, they can not escape the responsibility of appropriating the funds necessary to do it. It is my function as a legislator, being sent here by a constituency which does not approve of this law, to seek to bring about a change by legislative or constitutional action, not to protect the bootlegger and the poison-monger by lack of appropriations, such as is being done to-day. It is not inconsistent for me as a wet to vote for all the appropriations required and thus let the country know what a farce this whole question of prohibition is.

We are dissatisfied with a laissez faire policy of selling poison and buying a drink on the sly. It is just this policy that has created graft and corruption, that has established a criminal system with unlimited resources, such as threatens to demoralize the whole country. That is the condition to-day. Gentlemen, you must either admit complete failure or vote away millions and millions of dollars for enforcement. Even after we spend millions the dries will have to admit that of which we are convinced, that it just can not be done. Try and appropriate \$50,000,000 or \$100,000,000 if you are sincere and really believe in enforcement. It will soon reach an annual appropriation of \$250,000,000. Then the people will realize the necessity of bringing about a change. We ask you, so long as the law is on the statute books, to enforce it in all the States. [Applause.]

Mr. BYRNS. Mr. Speaker, will the gentleman yield there?

Mr. LA GUARDIA. Yes.

Mr. BYRNS. Mr. Speaker, so far as I am concerned, I think the record will show that the law is being more strictly enforced in the State of Tennessee and much more effectively than in the State of the gentleman who has just spoken. The gentleman has stated that \$50,000,000, or \$100,000,000, or \$200,000,000 would not be sufficient to enforce the law. Why, then, should the gentleman, representing a great constituency, vote for taking \$250,000,000, which will require the raising of taxes, when he admits that the law can not be enforced?

Mr. LA GUARDIA. My answer is this: That we must go through this waste of public funds in order to convince the gentleman from Tennessee and other sincere dries in this House that the law is simply impossible of enforcement. If the gentleman is ready to admit it now—let us get busy and amend the law. It seems that it is necessary to go through this costly procedure of attempted enforcement to convince some who still believe in the law. There is no use in talking about the Constitution and law enforcement if you have not the courage to put the necessary money back of it and try it out; try it out until your tongues hang out, until your people can not get a drink. Try it out, and then come back here and modify the law. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. O'CONNOR of New York. Mr. Speaker, I belong to a school of thought on this subject of prohibition enforcement entirely at variance to that of the gentleman from New York [Mr. LA GUARDIA]. He is for making the law ridiculous by voting for unavailable amounts to enforce it, knowing that no amount of money will enforce it. That, to my mind, is just as hypocritical as the original enactment of prohibition. I am against enforcing it at all, because I am confident the American people, irrespective of their alleged votes on the merits of prohibition and its related questions, do not want prohibition "enforced." They at least do not want it enforced within their own circle. I do not believe there is a red-blooded man or woman in America to-day who would go the limit in enforcing prohibition as they would other laws, because such a fervor as

we hear mouthed here to-day, if carried to a conclusion, would involve decent men and women informing on their relatives and their friends and their social acquaintances. A whole nation of informers would entail. What man here would tolerate his associate in committing burglary or any one of many other crimes without informing on him? But what man here would ever, to his dying day, inform on a colleague or friend for violating the Volstead law? And why is this spirit prevalent among decent men and women? Because they know that the drinking of liquor is not per se a "crime," and all the constitutional amendments and all the prohibition legislation conjurable can not make it one.

If the drinking of liquor can not be made a crime, how are you ever going to convince an intelligent people that the manufacture, transportation, or sale of it is even an offense against morals, let alone a crime?

What man here will sit in a gathering to-night and to-morrow inform on his friends who violate this "law"?

Why, gentlemen, the mere fact that some one in authority, such as Commissioner Doran, burdened with the mockery of trying to enforce it, says you need \$300,000,000 to "enforce" this law, is the greatest proof under the sun that there is something fundamentally wrong with the law—that it is not consonant with the wish and the will of the American people. What other law needs that much money? What other one law on the statute books of our Federal Government needs even \$28,000,000 to enforce it, as this appropriation bill carries, not to mention the huge sum Commissioner Doran suggests?

Mr. McKEOWN. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. McKEOWN. If the people do not want prohibition, what was the matter with the State of New York in the last election on that question?

Mr. O'CONNOR of New York. Oh, there is always the cry about the State of New York. We hear things reiterated so often that sometimes the people who utter them believe they are true. We will match the great Empire State in its enforcement of prohibition against any State of the Union. It is, in fact and truth, the only place where there has been an attempt at enforcement. Particularly true is this in New York City, because in the rest of the State there has never even been a feeble attempt at enforcement. In the rural counties the Republicans and the professional "dries" are in local control. There has not been a speakeasy in New York City that has not felt the heavy hand of the prohibition enforcement investigators—at least, the tribute-levying hand. In the other counties of the State, outside of New York City, rarely has an old saloon or a new speakeasy ever been visited by a prohibition agent, let alone interfered with in its business of catering to the "drys" of the county. They are all still doing business. One of the favorite indoor sports here is poking at New York for not having a State enforcement act. What about the State of Massachusetts, where your Chief Executive comes from? Have they there a real enforcement act and do they enforce prohibition by State law?

Mr. LUCE. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LUCE. Yes. [Applause.]

Mr. O'CONNOR of New York. Oh, the gentleman may think they do, but I am informed that not within five years has the State of Massachusetts worked under its State enforcement act, and furthermore the State of Massachusetts, the great State of your Chief Executive, on every occasion when a referendum was submitted to it has voted for light wines and beer.

Now, I am one who refuses to be a hypocrite about this matter. I would not vote for any appropriation, big or little, to enforce prohibition. I would not vote for \$13,000,000 or 13 cents to enforce prohibition. I do not know one person who sincerely wants it enforced. I know of hundreds of laws on the statute books that no man here would dare to suggest appropriating one cent to enforce. If that is against my oath of office, I am at least honest with myself. I can still look in the mirror without saying "thou hypocrite!"

Mr. LA GUARDIA. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LA GUARDIA. Does the gentleman believe we can convince our colleagues that this law is not enforceable unless we give them every means to enforce it and then show them it can not be enforced?

Mr. O'CONNOR of New York. That is only a roundabout, circuitous way of doing a thing. You are only playing the same game of hypocrisy as those who favor prohibition are playing when you try to call their bluff by using all the resources of the Government to carry the law into effect. You argue it never can be enforced, and then you stand here and advocate wasting hundreds of millions of the taxpayers' money to prove

your case. I am not going to sneak up on it and stab it in the back like that. I am going to hit it right between the eyes. The greatest crime in America to-day is hypocrisy, seeming to be what you are not. Whether you are "dry" or "wet" may depend on whether you are making a campaign speech or giving a dinner party.

Mr. SCHAFER. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. SCHAFER. Would you play the same game of hypocrisy that Governor Smith played in the last campaign on the prohibition issue?

Mr. O'CONNOR of New York. I will answer the "wet" gentleman by saying that if Governor Smith had been a hypocrite, as most politicians are, he might have fared better in those days of demagogues. It is my personal opinion that the greatest clap-trap in America that falls from the lips of any statesman is to say that "while this law is on the statute books I am in favor of enforcing it." No man in public life really means that. No man in public life to-day wants to enforce that law to the limit.

I am one who is against its enforcement. The mere fact that something about prohibition is written in the Constitution of the United States does not overawe me. I know the people do not want it enforced. I know they would not want it enforced if all the referendums imaginable were had and huge majorities answered in favor of continuing the present system. I want no referendums. I would not abide by one myself. No majority, however great—aye, 99 per cent—can regulate my personal conduct in such matters. Yes, even if I were the only one in the negative. That majority has been, and may be, tyrannical was never better evidenced than by the condition in which we find ourselves to-day in this country over prohibition. It was never intended in this democracy that a majority, however large, could invade the homes in the private affairs of our citizens. So, talk no more to me of referendums! I am going to decide the question of temperance or abstinence for myself, and I think every honest man agrees.

This overshadowing problem of prohibition will be solved some day, I am confident. For 10 years no greater or more-discussed issue has confronted the American people. No one will say the law has been effective. No one ventures that it can be. The necessary corollary of that is that something must and will be done about it. It has been the greatest breeder of demagogues since slavery. It furnishes all the appeals to the emotions and passions that are meat to the demagogue. He has thrived on it. Hypocrisy is his coat of arms. Take that away from him and stand him naked in the market place on his own two feet and the people will soon be rid of him. First do away with the hypocrisy in this subject and you will point a way to its solution. I am willing to hazard a guess that before his term shall expire the newly elected President of the United States may advise Congress that prohibition is really not enforceable and that some plan of effecting real temperance should be devised. Perhaps he may even take a leaf out of the book of a certain governor named Smith. *Mirabile dictu.*

Mr. WOOD. Mr. Speaker and gentlemen of the House, I wish to call your attention to what the conference report means. The amount of this bill as it passed the Senate was \$1,376,805,908. The amount of the bill as it passed the House was \$1,116,675,389. The amount added by the Senate was \$260,130,519. Of this addition \$257,127,384 was involved in the Bruce amendment to the prohibition enforcement appropriation. Exclusive of the Bruce amendment the Senate added \$3,003,000. In conference the Senate has receded from \$258,915,709, of which the Bruce amendment amounted to \$257,127,519, leaving the Senate recession on other items \$1,388,190. The House has receded from items totaling \$1,614,810. The bill as agreed upon is \$1,118,290,199. This sum is less than the Budget estimate by \$1,112,560. The amount as agreed upon is divided between the two departments as follows: Treasury Department \$303,674,474, and Post Office Department \$814,615,725.

Now, gentlemen, I wish to make a few observations with reference to the Bruce amendment. The appropriation in this bill is but a small item as compared with the total amount of money that is being expended in an endeavor to enforce the prohibition law. This bill carries \$13,000,000 for that purpose. This added to what is appropriated for various other departments for prohibition enforcement amounts in all to more than \$35,000,000. This is a considerable sum, yet we are told that we are to appropriate \$257,000,000 more. And who tells us to do this? Not the friends of prohibition. The enemies of prohibition are the proponents of all of these amendments, not in good faith, but in order, if you please, to try to break down this law. There is not one among them but what if he had his way to-day would strike it from the statute books.

There is not one among them but what would go to great lengths to defeat the prohibition law, and they are never happier than when they hear of its violation.

It is not enforcement they want, and this has been confessed by the gentleman from New York [Mr. LA GUARDIA]. He is admitting that if we appropriated all the money in the Treasury this thing would be a failure. It is his desire that it should be a failure.

I think the people of the United States, upon the 6th day of November last, registered in no uncertain terms what their desires are with reference to the prohibition law, and when the gentlemen from New York on either side of the aisle get up here and tell us that the State of New York is among the chiefest who have tried to enforce it, they know it is not true. Why, that State, so far as I know, is the only State that has held the law in defiance from the very time it was enacted. When it was under consideration here, every Member from the city of New York, from Tammany, voted against it; and after it became the law, the first thing they did was to introduce or have introduced in the Legislature of New York a bill for the purpose of manufacturing 3.75 per cent beer. This law was passed and signed by their governor, the late candidate for President of the United States, on the Democratic ticket, when he knew it was unconstitutional. It was brought to the Supreme Court of the United States and that court very promptly declared it unconstitutional. Not content with this, they introduced a bill in the legislature of that State, passed it, if you please, signed by the governor, Governor Smith, repealing all enforcement laws, yet they come here and tell us they have been trying to enforce this law in the State of New York. If all the States in the Union had taken the same position, had acted through their legislatures and through their governors, the same as they have acted in New York, we would have had pandemonium in this country.

I have faith to believe that by reason of the verdict of the people registered in November, and by reason of the trust they have in the present administration and incoming to enforce this law, a long step has been taken toward its enforcement. If there was any doubt anywhere as to the temper of the people in regard to the enforcement of this law it was dispelled on November 6, 1928. There is no longer any uncertainty on this proposition. The moral effect of the election is going to go a long way toward enforcement of this and all other laws.

Mr. BLACK of New York. Will the gentleman yield?

Mr. WOOD. No. I want to say to you that, on the other hand, had Al Smith been elected President of the United States, occupying the position he has ever occupied with reference to this prohibition law, there would have been ten times more violations than there is now, because every violator would have felt he had a license, by reason of the attitude of the President of the United States, to go his whole length. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. WOOD. Not now.

We witnessed a beautiful spectacle the other day when it was proposed by an enemy—and an arch enemy of the prohibition law—to add \$257,000,000 to this appropriation; and the remarkable thing is that on yesterday when this conference report was being debated upon the other side some 20 or more Senators who hold themselves out as dries voted with this arch enemy of prohibition. Why did they do it? They have their ears to the ground. There is no uncertain sound still reverberating from what happened on the 6th of November. They supported Smith, and they are now trying, if you please, to back track and get in the confidence of their constituencies again who were betrayed in the late campaign.

Mr. BANKHEAD. Mr. Speaker, I feel that I must rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. The gentleman from Indiana has been in Congress long enough and is enough familiar with the rules of conduct of the House to know that it is a flagrant violation of the rules for him to criticize or speak in terms of disparagement of the vote of Members at the other end of the Capitol. [Applause.] I must respectfully ask the Speaker to admonish the present occupant of the floor of that rule of the House.

The SPEAKER. The gentleman from Indiana will proceed in order.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Indiana yield for a parliamentary inquiry?

Mr. WOOD. Yes; I yield.

Mr. CRAMTON. Is a reference to the fact that certain Members of this or another body supported Al Smith for President to be taken as an opprobrious epithet? [Laughter.]

Mr. WOOD. Mr. Speaker, there come times when, in order that the people of this country may know what is going on here, we should call a spade a spade.

Mr. BANKHEAD. Mr. Speaker, I renew my point of order and ask for a ruling from the Chair upon the point of order.

The SPEAKER. The Chair does not think that a mere reference to the particular candidate for whom a Member may have voted is out of order, but thinks that the gentleman from Indiana is rather dangerously close to the line in attributing motives to the Members. The gentleman from Indiana will proceed in order.

Mr. WOOD. I am in accord with the ruling of the Speaker. [Laughter and applause.]

Mr. BLACK of New York. Will the gentleman yield on another point?

Mr. WOOD. Not now.

I want to say, gentlemen of the House, it is pretty near time that the American people should put the blame where blame is due. We have been hearing preached and reiterated for years and years the great conservatism of one body of this Congress as compared with the other. I think it is about time that the people of this country should know which the conservative body is. It has been said of this House that we are very sensitive to the sentiment of the people back home so that we may keep our seats here.

I would like for the people to scan the action of this body on this very bill, in contrast to the action of the other body on the same measure. The same attempt was made here in a more modest degree to hamstring the bill, and this House, without regard to politics, without regard to party, voiced a unanimous sentiment, almost, in opposition to these attempts. When on the other side there was more than two-thirds of those who voted for it, professed drys, and yet they voted with the arch enemy of prohibition.

Mr. HOWARD of Nebraska. Will the gentleman yield to one of his most earnest supporters? [Laughter.]

Mr. WOOD. I will yield to the gentleman.

Mr. HOWARD of Nebraska. I have always followed my colleague from Indiana diligently. I am in doubt what I should do. I want to vote with him, but I would like to have him tell me if I should vote with him, sustaining his action here, in view of his reference to the 6th of November, will I then stand in the attitude of repudiating my own action on the 6th of November? [Laughter.]

Mr. WOOD. I do not know what the gentleman's performance was on the 6th of November. I know what the performance of his candidate for governor was. I do not think he should be very proud of him, and in the name and memory of William Jennings Bryan can you be proud of him [laughter]—

Mr. HOWARD of Nebraska. May I say—

Mr. WOOD. I thought the gentleman was through—

Mr. HOWARD of Nebraska. I may be through, but I wondered if the gentleman from Indiana was through.

Mr. WOOD. The gentleman from Nebraska will support the conference report, for he is consistently in favor of the enforcement of the law.

Mr. HOWARD of Nebraska. Well, that is a pretty good certificate. [Laughter.]

Mr. WOOD. Now, let me say that we have all of the machinery now for the enforcement of the law that can possibly be handled under the existing circumstances. The amount of money carried in this bill is all that the department asked for and all that they can use in a practical way.

Mr. BYRNS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS. The gentleman is in charge of the bill on the floor and he was in charge at the hearing when the bill was pending before the committee. I want to know if the gentleman has any idea or any opinion as to just how \$250,000,000 would be expended if appropriated, as was suggested by the Senate amendment.

Mr. WOOD. I have no idea.

Mr. BYRNS. Does the gentleman think it would be or could be expended?

Mr. WOOD. It could not be expended for the purpose appropriated. If expended, it would be simply a waste. As has been stated here, the men who are supposed to enforce the law are to come from the civil-service list. They have had two examinations and have not been able to furnish more than one-third of the force because of one reason or another.

Mr. CRISP. Will the gentleman yield?

Mr. WOOD. I will.

Mr. CRISP. I am supporting the gentleman. He stated that there was \$35,000,000 appropriated for enforcement of the law—

\$13,000,000 in this bill. I would be glad if the gentleman in extending his remarks will set out for the information of the country the other appropriations going to make up the \$35,000,000.

Mr. WOOD. I will be glad to do it. It is made up in the appropriations for Coast Guard, Bureau of Prohibition, and the Department of Justice, and I will put in all of the items.

The following statement gives the cost as nearly as can be estimated for 1930, using as a basis appropriations made in the pending bill for bureaus under the Treasury Department, and including for the Department of Justice the total in the Budget estimates:

Bureau of Prohibition appropriation	\$13,500,000
Less amount for narcotic enforcement	1,411,200
Net amount for prohibition	12,088,740
To be allotted from Treasury fund for printing and binding	70,000
To be allotted from Treasury fund for stationery	48,000
Total for Bureau of Prohibition	12,206,740
Coast Guard, proportion due to antisnuggling	14,680,798
Customs Service, proportion estimated as due to border patrol work taken over from the Bureau of Prohibition	1,000,000
Department of Justice, estimated at one-third of total department estimates for 1930 as due to prohibition enforcement	9,367,853
Total	37,261,391

Mr. BLACK of New York. Will the gentleman yield?

Mr. WOOD. I will.

Mr. BLACK of New York. When the bill was on the floor of the House there was an item for a revolving fund for the narcotic enforcement, which was stricken out on a point of order. And the gentleman indicated that it would be restored in the Senate.

Mr. WOOD. It has been restored.

Mr. BANKHEAD. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. BANKHEAD. The gentleman is chairman of the subcommittee and has heard all the evidence as to the amount of the appropriation for the enforcement of prohibition. Does the gentleman agree that \$13,000,000 is all that is reasonably sufficient and necessary to enforce prohibition in the United States?

Mr. WOOD. I will say this: This law will never be enforced as we would like to have it enforced until those whose duty it is to help enforce it, not only in the Federal machinery but in their State machinery, do their utmost.

It is the hardest trial that has ever been put up to the American people. I have faith to believe that eventually it will be done, but I say this to the gentleman: I have had a good deal to do with the liquor laws. I was prosecuting attorney for six years in a town of 25,000 inhabitants that had a hundred and ten saloons. The law was violated constantly, and I dare say the millenium will come before they cease violating the liquor laws in the United States. Liquor has been prolific of more law violations and in consequence prolific of more crime than all of the other causes in this world combined, so that we need never hope to see the day when the liquor laws are completely enforced, for that time will never come. The best we can hope for is to see the violation of the liquor laws reduced to the lowest possible minimum. I have faith to believe that with patience, with honest and earnest endeavor, the laws will be enforced to that extent.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LOZIER. Apropos to the favorite indoor sport in America, namely, abusing the House of Representatives, is it not true that this body functions more efficiently and is more responsive to the public will than any other legislative body, State or national, in the world?

Mr. WOOD. I agree with the gentleman entirely on that proposition.

Mr. BANKHEAD. Does the gentleman regard his answer to my inquiry as an adequate answer in good faith, responsive to it? I know the gentleman intended it so to be, but did he complete it?

Mr. WOOD. If I did not complete it, I say this, that the \$13,000,000 that we are appropriating in this bill, with the other appropriations aggregating \$35,000,000, for the enforcement of this law, will go a long way toward bringing about the end we desire, but that it will accomplish it completely I say no. It is going to take a number of years to do it, but I do say, and I think the gentleman from Tennessee [Mr. BYRNS] agrees with me in this opinion, that the amount that we are appropriating is all the money that can be practically used under the present organization.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BRAND of Georgia. How much was the appropriation two years ago for this purpose, as compared to this appropriation?

Mr. WOOD. I do not remember just what the figures were, but it was not as great as it is to-day. The House in considering this item added \$100,000 more than was suggested by the Budget, so that the committee after getting all of the facts as nearly as it could, tried to deal generously and gave much as we thought just and right, and to the entire satisfaction of those whose duty it is to enforce the law.

Mr. BRAND of Georgia. The appropriation now is larger than it was in the last appropriation bill?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Is it the contention of the supporters of the reduced appropriation that what is being done is all that can be done for the enforcement of that law?

Mr. WOOD. It is not all that can be done. When you get law-enforcement officers who are 100 per cent honest, when you get the cooperation of the State law-enforcement officers who are 100 per cent honest, when you get the cooperation of Federal officers and of State officers, with the sympathy of those officers in favor of enforcement, then we will come more nearly to doing what the gentleman inquires about.

Mr. LAGUARDIA. And, in addition to that, it is only fair to add when we get legislators of that same high degree of honesty.

Mr. WOOD. I say the legislators here have been doing their part in so far as furnishing the sinews of war are concerned.

Mr. BLACK of New York. What does the gentleman mean by sinews of war?

Mr. WOOD. That is the money.

Mr. BLACK of New York. How about the other side?

Mr. WOOD. I am not my brother's keeper.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. STEVENSON. A suggestion was made a short time ago by the gentleman, to which some objected—though I did not—in respect to the motive of some of the Members of another body who voted with this proposition yesterday. The gentleman suggested that it was a manifestation of their repentance of what they did last November. I call the attention of the gentleman to the fact that the senior Senator from North Carolina and the senior Senator from Alabama were both with that crowd. Does the gentleman think that they are repenting now?

Mr. WOOD. No; they are sitting upon the pinnacle of self-satisfaction, and can truthfully say to those who sought to crucify them during the campaign, "We told you so."

Mr. STEVENSON. But they were voting with this arch-enemy of prohibition to whom the gentleman refers.

Mr. WOOD. Yes; and I will tell you why they did it. Both of these gentlemen are members of the Democratic Party, in which they were born and reared and hope to die, and they are desirous of seeing their party reborn, rise, and again become active, full fledged, and full of energy for the pursuit of right. They are trying to help these men out of the hole into which they got themselves. That is what they are trying to do. [Laughter and applause.]

Mr. STALKER. Mr. Speaker, will the gentleman yield two minutes to me?

Mr. WOOD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 12 minutes remaining.

Mr. WOOD. I promised to yield five minutes to the gentleman from Texas [Mr. BLANTON]. He does not seem to be present at the moment, and I yield the gentleman from New York two minutes.

Mr. STALKER. Mr. Speaker, I have had a conference this morning with Mr. Lowman, Assistant Secretary of the Treasury, who is a distinguished citizen of my district. The Treasury Department does not need additional money to enforce the national prohibition act. The bill gives them all that they have requested. They can make all of the cases—in fact, more cases than the Department of Justice can prosecute. If the penalties were more severe, the law would command greater respect and the violations would thereby be materially reduced.

Where we have fallen down is that we have not given the Department of Justice sufficient machinery with which to enforce the law. I refer especially to the inadequate penalties. In the western district of New York there are now 3,000 cases pending that have not been tried. I have introduced H. R. 9588, which was referred to the Judiciary Committee and favorably reported, and is now on the House Calendar. This bill increases the penalty and makes a commercial violation of the eighteenth amendment a felony. The penalty is \$10,000 or five

years' imprisonment, or both. A similar bill was introduced in the Senate by Senator JONES, was favorably reported, and is on the Senate calendar. If Congress will enact this legislation increasing the penalty for violations, and thereby give the Department of Justice the proper machinery with which to enforce the law, we will then be able to cope with the situation and enforce the eighteenth amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. WOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the amendment in dispute.

The Clerk read as follows:

Amendment No. 7. Page 21, in line 5, after the word "warehouses," insert a colon and the following proviso: "Provided further, That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be deposited in the Treasury to the credit of the appropriation for enforcement of narcotic and national prohibition acts current at the time of the deposit."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LIMITING OPERATION OF SECTIONS 198 AND 203 OF TITLE 18 OF THE CODE OF LAWS OF THE UNITED STATES

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to have the House take up and consider Senate Joint Resolution 167.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the joint resolution, which the Clerk will report.

Senate Joint Resolution 167

Limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the report on this joint resolution as yet has not been printed. On yesterday I obtained leave of the House until tomorrow to file a minority report. The distinguished chairman of the committee, the gentleman from Pennsylvania, feels this matter ought to receive prompt attention, and if I may have an opportunity to state my position on the resolution to the House I will take my chances on that.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I would like to have the resolution reported.

The SPEAKER. Without objection, the resolution will be reported.

There was no objection.

The Clerk read as follows:

Resolved, etc., That nothing in sections 198 or 203 of title 18 of the Code of Laws of the United States (secs. 109 and 113, Criminal Code) or any other act of Congress forbidding any person in the employ of the United States or acting in any official capacity under them from acting as agent or attorney for another before any department or branch of the Government or from receiving pay for so acting shall be deemed to apply to counsel serving under the provisions of S. J. Res. 54, Sixty-eighth Congress, first session, approved February 8, 1924.

Mr. HUDDLESTON. Mr. Speaker, further reserving the right to object, may I ask the gentleman from Pennsylvania if that resolution is intended to permit Mr. Roberts to remain in the public service?

Mr. SCHAFER. I will object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. GRAHAM. Mr. Speaker, will the gentleman withhold his objection in order that I may explain?

If the gentleman will hear me, I am sure he will withdraw his objection.

Mr. SCHAFER. I will reserve the objection.

Mr. GRAHAM. The matter pending is not a question of the relief of Mr. Roberts. The matter pending is a question of having the United States Government properly represented when the oil case is argued this month. The situation is that Mr. Roberts has resigned from this special attorney generalship. In my humble judgment, and I differ with the Attorney General

in that, these acts which are sought to be made inapplicable to this special appointment as United States Attorney General do not cover the case of Mr. Roberts. Mr. Roberts was appointed under a joint resolution at the instigation of the President to prosecute these oil cases, he and Senator Pomerene of Ohio.

This resolution applies solely and only to relieving him of the effect of the Attorney General's opinion, that those sections do cover the cases of special counsel thus selected.

Now, then, the Government is in this position; it has made an earnest appeal that the case should be presented early, and when it comes to prepare the briefs there will be no one adequately fitted to prepare the briefs with a sufficient knowledge of these cases, and it puts the United States at a great disadvantage.

Mr. SCHAFER. Mr. Speaker, will the case be tried in the District of Columbia?

Mr. GRAHAM. No; it will be argued before the Supreme Court.

Mr. SCHAFER. I withdraw my objection, since the case is to be argued before the Supreme Court. I thought the case was to be tried in the courts of the District of Columbia. No matter who represented the Government in these oil cases, would there be a conviction in the courts of the District of Columbia under existing conditions, particularly the method of selecting juries? I withdraw the objection.

Mr. GRAHAM. The gentleman may be right.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LaGuardia].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. LaGuardia. Mr. Speaker, I do not want to avail myself of the right to object and so prevent this resolution that has passed the Senate from coming before the House for consideration. I do want to warn the membership of this House of the precedent you are establishing if you pass this resolution.

It simply singles out one man and sets aside wise, sound, and necessary provisions of the law in order to obtain the legal services of one particular lawyer. This resolution would make an exception to the law which prohibits an official of the Government from appearing or practicing before the departments of the Government for clients whose interests are adverse to the Government. In other words, represent one client in an action and other clients against that same client in other actions.

I do not believe and can not agree that there is only one man in the United States who can prepare the briefs and argue the particular case for the Government in this particular instance. I believe the Government's case is so strong and has so much merit that we can obtain as many lawyers as we may need to argue the case.

But assuming that the facts are as stated by the gentleman from Pennsylvania [Mr. Graham], that a lawyer has the Government, so to speak, by the throat, assuming that he is the only man who can prepare these briefs and argue the case, then I submit it is manifestly unfair for him to say, "I will not continue. I will resign unless you amend the law especially for me so that I can come in and practice before the departments of the Government in matters against the United States, even though I am retained as special counsel for the same United States." That is what the resolution would do. Mr. Roberts may be replaced, and in that event we need not amend the law. Or if he can not be replaced, he should not exact such unreasonable terms. It is a very unwise and dangerous precedent to establish. I will concede Mr. Roberts's great ability. I will concede the desirability of his continuance in the case. With all that I do not concede the necessity of this resolution which would make Mr. Roberts a most privileged person.

Every corporation or person having a case before the Treasury Department for refund of taxes and all sorts of actions before the Department of the Interior, might well now go to Mr. Roberts, a privileged person by special act of Congress, if you please, and their argument will be, "How can Mr. Roberts be wrong in maintaining our contention, when he is the only one you say is qualified to be intrusted with most important cases by the Government itself?" It will indeed be difficult for the head of a department to get away from that.

These laws are necessary to protect the Government against officials of the Government practicing before the departments in cases brought against the Government. I can see no necessity for such drastic action as setting aside the law in order to retain the service of one lawyer. When the oil cases are mentioned, it seems everybody is afraid to speak. I think that the Government's side of these cases is so strong that the Supreme Court, having nothing else to do than follow its own decisions in cases involving the same transactions, will follow

the precedents set in the other cases. If you are going to annul the law prohibiting a Government official from appearing against the Government, you are going to destroy a great protection for the Government and Government resources.

I will state frankly that considerable pressure has been brought for the passage of this resolution. This matter was mentioned in the message from the President of the United States. He recommends the passage of the resolution. It has passed the Senate and the Committee on the Judiciary of the House has reported it out without a dissenting vote except my own; but if I am the only Member of this House to-day to take this position, I am going to take it and stand here and oppose it, because I conscientiously consider it unwise and dangerous.

I want to remind the gentleman from Pennsylvania [Mr. Graham] that we passed another bill similar to this under the same pressure, to bring a witness from a foreign country, and we find now that after passing that law the law is ineffective and the foreign government refuses to surrender the man. That provision of law was passed under exactly the same circumstances as this.

I have performed my duty in giving you the facts. You are voting for a resolution without a report before you, without any case being made out showing the necessity for it. The responsibility is upon the House. I have done my duty. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

BOULDER DAM

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5773, together with Senate amendments, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Idaho asks unanimous consent to take from the Speaker's table House bill 5773, with Senate amendments, and consider the same in the House as in Committee of the Whole. Is there objection?

Mr. CLARKE. Mr. Speaker, reserving the right to object, what is this bill?

Mr. SMITH. It is the Boulder Dam bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate amendment.

Mr. SMITH. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

The SPEAKER. The gentleman from Idaho asks unanimous consent to dispense with the reading of the Senate amendment. Is there objection?

There was no objection.

Mr. SMITH. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Idaho moves that the House concur in the Senate amendment, and is recognized for five minutes.

Mr. SMITH. Mr. Speaker, this is the bill known as the Boulder Dam bill for the improvement of the Colorado River. It passed this House on the 25th of May and passed the Senate on the 13th of this month. The Senate struck out all after the enacting clause and inserted its own bill, which had been reported from the Senate Committee on Irrigation and Reclamation. The changes made in the Senate will be explained by the author of the bill, Mr. Swing, of California.

Mr. HOCH. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. HOCH. Is there anything in the Senate amendment with reference to the sale of electrical energy, as far as the rates to consumers are concerned?

Mr. SMITH. No. There is no reference to the rates.

Mr. HOCH. Is there any provision whatever in the bill which provides for the regulation of the rates?

Mr. SMITH. Yes; for the regulation of the rates.

Mr. HOCH. What is the regulation?

Mr. SMITH. The author of the bill will explain in detail the changes in the bill as passed by the Senate.

The SPEAKER. The gentleman from California [Mr. Swing] is recognized for five minutes.

Mr. SWING. Mr. Speaker and Members of the House, the principal changes that were made by the Senate were along the line of bringing the bill into conformity with the report of the Sibert Board of Engineers, which was appointed under a joint resolution concurred in by this House.

The first important amendment or change had to do with a segregation and separation of the all-American canal, its cost, and its method of repayment from the dam and the power plant, their revenues and their method of repayment. That was rec-

commended by the Sibert Board. Under the House bill, as it passed, all parts of the project were embodied in one group and all revenues from all sources, including the lands under the all-American canal, were pooled to pay off the entire debt due the Government. The contention was seriously made in this House by opponents that the all-American canal would be a drag or burden upon the revenues which would be received from the power and in that way tend to make the project unsound financially. Under the Senate amendment the all-American canal is now to be paid for wholly and distinctly by the lands which will be benefited, and there is no way that it can be made a burden upon the revenues which are secured from the sale of power or power possibilities at the dam.

The second important amendment, in conformity with the Sibert Board's report, provides for an increase in the estimated and authorized cost from \$125,000,000 to \$165,000,000. There is, then, in accordance with the Sibert report, a segregation of the cost for flood control estimated to be \$25,000,000. While some have thought that it was reasonable that such an amount should be contributed by the Federal Government and to be charged off of the project, because flood control is now generally considered to be a Federal function, yet the proponents of the bill and the Senate amendment do not charge it off. They segregate it and provide that during the period of amortization the \$25,000,000 shall be paid out of the excess profits.

The State of Arizona and the State of Nevada, under the House bill, are to be paid 18½ per cent out of the surplus profits. That leaves 62½ per cent of these profits which are to be applied, under the Senate amendment, every year to the repayment of the flood cost of \$25,000,000; but the bill expressly provides that if at the end of the period of amortization the entire amount of \$25,000,000 has not been completely paid back the project will continue to pay on that \$25,000,000 out of the profits, after the period of amortization, until the full amount has been entirely repaid.

The fourth amendment provides for a composure of the differences between the States within the basin, and requires a 7-State pact—an agreement of all seven States in the basin—if that can be secured within a period of six months. If not, then thereafter the work shall proceed upon a 6-State basis. The opinion expressed in the Senate by the representatives of the basin States is that the differences will be composed within the six months and that all of the States will come back into the compact on the 7-State basis.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SWING. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. The gentleman from California asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SWING. Yes.

Mr. O'CONNELL. Is this approval to come from the State legislatures?

Mr. SWING. Yes.

Mr. O'CONNELL. Suppose they do not meet in the interim?

Mr. SWING. They all do meet, beginning in January of this coming year.

Mr. RANKIN. Will the gentleman yield?

Mr. SWING. Yes.

Mr. RANKIN. The gentleman from Kansas [Mr. HOCH] asked a question a while ago about the regulation of the distribution of surplus power and the price at which this power is to be retailed to the people who purchase it. Can the gentleman give us some information about that?

Mr. SWING. I will come to that before I finish.

Mr. RANKIN. The gentleman's time has expired once, and I did not want his time to expire again before he had covered that point.

Mr. SWING. As a part of the composure between the States, there has been written into this law an ironclad, unconditional, irrevocable provision that California can under no means secure for use within the State water in excess of 4,400,000 acre-feet a year of the amount apportioned to the lower basin, and the State of California is required to ratify this provision by its State legislature before the bill becomes effective.

The sixth amendment of importance is an authorization for a tri-State agreement between Arizona, Nevada, and California which informed Members from these States believe will take place as soon as their legislatures meet.

The seventh amendment continues the embargo which was embodied in the Taylor resolution, adopted by the Congress at the last session, preventing the Federal Water Commission from issuing to private concerns, or to any other agency for

that matter, licenses on the Colorado River until first there shall be an opportunity for this bill to take effect.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. SWING. Yes.

Mr. TAYLOR of Colorado. Is it the gentleman's judgment, as the author of this bill, that the provision in section 6 of the Senate bill directing the Federal Power Commission not to issue or approve any permits or licenses upon or affecting this river or any of its tributaries, except the Gila River, is sufficiently strong and effective to and will prevent that commission doing so until this bill is ratified and becomes a law as provided in section 4, or might there be any contingency whereby the Federal Power Commission may grant these permits after the termination of the law which I had the honor to write and which expires on the 5th of March next?

Mr. SWING. The very purpose of putting this amendment in the bill was to extend the time of the Taylor resolution and to make effective this embargo until this law is in effect.

Mr. TAYLOR of Colorado. I know that was the express intention and purpose of that amendment to this bill, and we all hope it will have that effect. I can not believe the Power Commission would violate this express purpose and direction of Congress. However, I wish the framers of that amendment had used the language of my present pending House Joint Resolution 388, prohibiting the commission from issuing or approving any permits or licenses unless and until the Colorado River compact is unconditionally approved by the legislatures of all of those seven States and by Congress. The gentleman thinks this bill does that?

Mr. SWING. I do.

Mr. WHITE of Colorado. How can it prevent the Federal Power Commission from granting such permits when this bill declares it shall not become effective until ratified by the several States as therein provided?

Mr. SWING. This provision expressly provides that the Federal Power Commission shall not grant these licenses until the act becomes effective. It is beyond the realm of reason to suppose that the Federal Power Commission would want to proceed in the face of a declaration of both the House and the Senate that they are not to do it, and I am sure they will not undertake it, and I do not believe they could if they so desired.

Mr. WHITE of Colorado. How can that be in any sense a prohibition against the Power Commission acting under the general law unless this bill becomes effective and until it does become effective?

Mr. SWING. This bill becomes law when the President signs—it is effectiveness is deferred only for certain purposes. If this language does not constitute an embargo, then I am unable to think of English language that would do it. It expressly declares that they shall not grant licenses.

The next important amendment makes a change in the alternatives which are given to the Government as to the course it may pursue.

The Senate has gone back to the provision which was in the House bill at the time the House bill was reported. It leaves to the Government the three alternatives of building the dam and then stopping and leasing the power privileges; or second, building the dam and the power plant and then leasing the power plant; or third, building the dam, building the power plant, operating the power plant, but selling the power at the switchboard.

In my humble opinion the physical situation at the canyon is such—

The SPEAKER. The time of the gentleman from California has again expired.

Mr. BANKHEAD. Mr. Speaker, in view of the fact that this is a very important matter and it is evident that the gentleman from California will not have opportunity to finish in 5 minutes, I ask unanimous consent that the gentleman may be permitted to proceed for 15 minutes or such part thereof as he may need. I think there will be a number of questions propounded to the gentleman.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time of the gentleman from California may be extended 15 minutes. Is there objection?

There was no objection.

Mr. SWING. It is my belief from a long study of the physical situation at the dam site that it would be, engineeringly, unthinkable, contrary to all good business judgment, to do otherwise than for whoever builds the dam to build the power plant, and since we are authorizing the Government to build the dam, I am quite certain that the administration will find it will be a saving of millions of dollars to have the power plant built at the same time the dam is built, and it is my personal belief that this will be the procedure which will be followed.

Mr. RANKIN. Under the provisions of this bill there is nothing to protect the ultimate purchasers of this power from the exorbitant retail prices that may be charged by any power company that takes the contract for its distribution, is there?

Mr. SWING. I think there is, and I come to that point now.

Mr. RANKIN. The thing I am interested in is a regulation or restriction to prohibit profiteering in this power when it comes to selling it to the ultimate consumer, and I am unable to find anything in the bill that does protect the ultimate consumer.

Mr. SWING. The Federal water power act itself gives to the Federal Power Commission the power to regulate rates in the absence of any State regulation. I assume that where State regulation is in force we must assume it will be effective. If it is not in force under the laws of the States, the Federal Water Power Commission, under the Federal Water Power Commission act, has authority to regulate the rates and see that they are reasonable. But, in addition to that, there is this provision in the bill, inserted by the gentleman from New York [Mr. DAVENPORT]:

He—

Referring to the Secretary of the Interior—
shall also—

Mr. RAMSEYER. Will the gentleman tell us where he is reading?

Mr. SWING. Page 36, lines 9 to 13:

He—

The Secretary of the Interior—

shall also conform with other provisions of the Federal water power act and of the rules and regulations of the Federal Power Commission, which have been devised or which may be hereafter devised, for the protection of the investor and consumer.

So there is a direct mandate in the law that the Secretary of the Interior in the making of his contracts for the sale of power shall protect the ultimate consumer.

Mr. RANKIN. Will the gentleman yield?

Mr. SWING. Certainly.

Mr. RANKIN. Congress at the last session deemed it wise, prudent, and necessary to write into the Muscle Shoals bill a provision that would protect the ultimate consumer against profiteering and against exorbitant charges. There is nothing in this bill as amended by the Senate to so take care of it.

Mr. SWING. There is a direct instruction to the Secretary of the Interior that in his contracts he shall protect the consumer, and we are to presume that he will follow the mandate of Congress.

Mr. RANKIN. Why did you not have the same regulation in this bill, knowing it was the will of Congress specifically expressed on this proposition—why did you not have written into it the same protection to the ultimate consumer that was put in the Muscle Shoals bill, or the one in this bill as it passed the House?

Mr. SWING. The gentleman knows that in all legislation there must be matters of compromise between the two Houses, and that it is not always possible to have your own way in regard to a bill. There are a number of things in this bill not to my liking, but I realize that the bill would not have been enacted in the Senate if there had not been a spirit of compromise and conciliation.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. SWING. I yield.

Mr. LA GUARDIA. In the Muscle Shoals bill we had a provision that the municipalities should receive preference in obtaining power. In the event of the third option would the municipalities in California and other States have a preference?

Mr. SWING. The bill adopts the policy laid down in the Federal water power act of giving municipalities the preference, and I am quite sure that is safeguarded in this bill.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. SWING. I yield.

Mr. WAINWRIGHT. I note on page 23 the Government is given the right to construct, equip, and operate near the dam a plant for the generation of electrical energy. Does that mean that the Government may operate the plant?

Mr. SWING. Three options are left to the Government: It may build the dam and lease the water power; it may build the dam and the power plant and lease the power plant; or it may build the dam and the power plant and operate the power plant.

Mr. HOCH. Will the gentleman yield?

Mr. SWING. I yield to the gentleman from Kansas.

Mr. HOCH. I am interested in the protection of the ultimate consumer. I call attention to page 31, where it provides

that general and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy. What legal obligation would there be on anyone to observe any regulation as to rates charged the ultimate consumer?

Mr. SWING. The way I understand it is that it is to be put in the contract.

Mr. HOCH. Do I understand that in making contracts the Secretary of the Interior would attempt to prescribe the rates at which the power shall be sold?

Mr. SWING. If he could not advise a method for the reasonable control of rates, how is Congress to take it out of his hands and write the contract? I think that in legislation it is necessary that we should leave some discretion with the Executive and the working out of the details of the contracts to the Secretary. We declare a policy which we say we want him to put into execution, and that is to protect the ultimate consumer.

Mr. HOCH. The House attempted to do it in the provision on page 11:

Every contract for electrical energy shall provide that the holder of such contract shall guarantee that in any resale of such energy to the consumers thereof the rate shall not exceed what is fair, just, and reasonable, as determined by the Federal Power Commission.

As I read this bill there is nothing in it to protect the ultimate consumer. It all depends upon the contract that the Secretary of the Interior makes.

Mr. SWING. It is presumed that he will follow these regulations and the provisions of law which may hereafter be adopted.

Mr. HOCH. What provisions are there in the water power act that give the Water Power Commission any power to regulate rates?

Mr. SWING. It is in the act.

Mr. LA GUARDIA. This bill would give it anyhow.

Mr. SMITH. I call the attention of the gentleman from Kansas to page 36, line 9:

He shall also conform with other provisions of the Federal water power act and of the rules and regulations of the Federal Power Commission, which have been devised or which may be hereafter devised, for the protection of the investor and consumer.

Mr. HOCH. I am not questioning the provision which provides that the Secretary shall perform, but after he has made a contract, if the man who holds that contract then charges unjust and unreasonable rates, what leverage is there upon him?

Mr. SWING. Let me say now to my good friend from Kansas that if the bill were here for the first time his argument would carry great weight with me, but this House and its committees have labored for the past eight years to try to bring into the Colorado River Basin some sort of river control for the safety of human life and property. At the last session of Congress in the Senate there was a filibuster, the like of which we have not seen in many years, which stopped entirely the effort of the Federal Government to safeguard its own citizens and their property, and finally after the immense effort and great pressure this bill was gotten through the Senate and is here now. If it is to be sent back to the Senate for the purpose of changing some phraseology, which I think is sufficiently covered in this bill, then, of course, we are simply deferring the matter of the safety of 70,000 people and their property to a time which may take us beyond the present session of Congress.

Mr. HOCH. I am entirely in sympathy with that attitude toward the bill, but it seems to me that it is rather a fundamental question as to whether if we are to sell electrical energy on a vast scale we should not be sure that the ultimate consumer will have protection.

Mr. SWING. Who are the ultimate consumers regarding whom the gentleman from Kansas is so solicitous? They are the people who live in southern California. They are willing to take their chances on this bill in order to make safe the life and property of their fellow citizens living in the Imperial Valley in southern California.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. O'CONNOR of New York. The gentleman answered some questions based on the assumption that the Government is going to build this power plant and operate it?

Mr. SWING. It is my personal opinion that the Government will find it good policy to build the power plant.

Mr. O'CONNOR of New York. And permission to the Government to build the plant and operate it is granted in the bill?

Mr. SWING. Yes.

Mr. O'CONNOR of New York. In view of the definite, positive position taken by the Republican candidate for President—and I am sincere about this; I am not talking politics—and in view of the message of the President of the United States, does the gentleman, who knows more about the bill than anybody else in this House, I think, believe that this permission in the bill will ever be carried out in reality, and that the Government ever will build the plant and operate it?

Mr. SWING. The gentleman has asked me not about the bill, but regarding the workings of the mind of a Secretary of the Interior who has not yet been chosen. I am willing to express my conviction on my knowledge of the physical situation at the dam site and the economic development in that part of the country, but I can not answer regarding the mental attitude of a Secretary who has not yet been appointed.

Mr. O'CONNOR of New York. What are the gentleman's personal hopes—that the Government does operate it?

Mr. SWING. Yes.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. MONTAGUE. I notice the Colorado River Board of Engineers makes an observation as to an agreement between Mexico and the United States as to the amount of water assignable to Mexico. Does this bill cover that observation?

Mr. SWING. The bill provides that nothing herein contained shall be construed as a recognition or a denial of any rights that Mexico may have.

Mr. MONTAGUE. Does not this board suggest that that should be done prior to the determination of that fact?

Mr. SWING. A treaty with Mexico is desirable at the earliest possible date, but it makes no difference regarding this project whether the treaty is made before the project is constructed or afterwards. If Mexico is to get a single drop of water, of which it can be assured, it can not get it out of the natural flow of the stream, which has already been appropriated by the people of the United States; it can only get it by the United States Government building a dam and operating it at this particular place where we are proposing to have it built. That is the one way that Mexico can get its water.

Mr. MONTAGUE. The gentleman's suggestion now relates to the economic aspect of it. I want to ask now about the political or governmental aspect. Would it not be advisable to have a treaty in advance of the confirmation of the project?

Mr. SWING. In my opinion, no. We have tried to negotiate a treaty with Mexico for years. In my opinion, until we have something on which we can trade, something whereby we can show to Mexico that it is to her advantage to negotiate, we will still be waiting years for a treaty.

If this bill is passed, it is my belief and the belief of prominent people in the State Department that it will result in an early treaty with Mexico. Regarding the economic feature, whether Mexico gets much water or little water under a treaty or without a treaty, all water must go through our power plants at the dam, so that it can not affect the economic features of the project.

Mr. Speaker, this has been what might be considered a life work. The eight years that have been spent upon it generally might be construed as the best years of a man's life. The bill passed the House last session. The bill has now been passed by the Senate by a large vote.

The only differences, it seems to me, are matters relatively of small importance compared with the beginning of this great project, and the taking of the water of this river that now runs to waste and is a menace to life and property while it runs to waste and putting it to a use to serve man's purposes, and all without the ultimate cost to the Government of a single dollar, because in the contracts which must be entered into before any appropriation shall be made provision must be made for repayment to the Government of every single dollar; in other words, this is a proposal for turning a natural menace to a national asset. [Applause.]

Mr. CLARKE. Mr. Speaker, I wish to put my opposition to the Boulder Dam in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARKE. Mr. Speaker and beloved colleagues, I am one of those who believe that there are but two things, or possibly three, that should be undertaken by this short session of Congress.

First. Perform our long-overdue, constitutionally imposed duty of reapportionment of this House of Representatives, making everlastingly certain that there be no increase in the membership; if anything, a decrease.

Second. Passing the necessary appropriation bills to keep the wheels of Government moving.

Third. Of the other work we should undertake, agriculture—not Boulder Dam—is crying aloud for help and has been for some time. Let us lay the preparatory groundwork now for agricultural legislation at the extra session by completing hearings as a basis for preparing the necessary schedules in a tariff to protect agriculture as part of a larger policy that shall be permanent in its nature for American agriculture, and shall, in part, fit in with other legislation in this agricultural-relief program.

I shall not vote against the Boulder Dam bill with the twenty-five million, of the alleged one hundred and sixty-five million necessary to build it, to be charged to flood control, thus not to be returned ultimately to the Federal Treasury nor even because of these promises that the remainder of the expenditure will ultimately come back to Uncle Sam, for I have heard these promises for years regarding irrigation projects and other enterprises, and have yet to see the promises fulfilled for the cost alone, to say nothing of the interest on the taxpayers' money expended. As it saith in the Good Book, "Hope deferred maketh the heart sick."

Judging by past experience in Government construction that estimate of cost for Boulder Dam of \$165,000,000 by the engineers will easily exceed \$250,000,000.

Undoubtedly the legislation as it now cometh forth from the Senate is an improvement over the original bill, but I can not believe—

First. That the Boulder Dam project is a national project.

Second. Nor can I feel that we should impose more and more taxes on this generation for something that another generation shall enjoy, for the overburdened, tax-paying general public feel now the piling up of war taxes that will last long after even the youngest Member of this House of Representatives has entered upon the great adventure.

Third. I feel that the citizens importuning Uncle Sam should make it their undertaking, not a Federal undertaking, and if it be that flood control is an incident of the project, I will vote for \$25,000,000 as a proper amount for the United States to contribute on that basis.

As the Boulder Dam project stands out in my mind now, it looks like another effort to stimulate a land boom with Uncle Sam backing the adventurers and speculators and assisting those who should develop their own water supply, who should promote their own power schemes, leaving it a private enterprise and leaving the Congress of the United States to concentrate all their talents on evolving a permanent enlarged policy for agriculture, spending any necessary sums as a national, not local, matter, for that is the outstanding problem in the United States to-day, Boulder Dam to the contrary notwithstanding.

Mr. DOUGLAS of Arizona. Mr. Speaker and Members of the House, I ask unanimous consent to proceed for 10 minutes instead of the ordinary 5 minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGLAS of Arizona. Mr. Speaker, it is not my intention at this time to waste the time of the House in a prolonged and detailed discussion either of the bill or of the project which the bill authorizes. I do, however, want to take this opportunity to express my opposition to it and to make the statement that my opposition to the Senate amendment is no less than my opposition to the House bill which was considered last May. The amendment to the House bill as it comes from the Senate consists of two distinct propositions, just as the House bill which was considered last May contained two distinct propositions. The first relates to an allocation of water among the States and as between groups of States in the Colorado River drainage area. The second is that which pertains to the project or the authorization of the project. The amendment to the House bill contains no provisions which in any respect alter the fundamental features of the two propositions. With reference to the first, the amendment still provides that the contract, in which seven States are specifically named as parties, shall be binding and effective when approved by only six of the seven States. The amendment has not changed that proposition one iota. Nor does the amendment change anything respecting the project to be authorized, except to this extent, that in terms of dollars and cents it defines it as a larger project by \$40,000,000 than was the project considered by the House.

The amendment increases the appropriation from \$125,000,000 to \$165,000,000. The amendment does do this, however: It outlines the project as a power project, because the amendment in fact attempts to take the all-American canal, which will cost thirty-eight and a half million dollars, and to place that canal

under the reclamation law, making it reimbursable to the Federal Government under the terms of that act and to prohibit any revenues derived from the sale of stored waters or from the sale of power from being applied to the amortization of the canal; it further appropriates \$25,000,000 of the \$165,000,000 for the purpose of providing for flood control and leaves the remainder—\$101,500,000—to be expended on power. Inasmuch as a reasonable flood-control dam on the Colorado will answer this menace and likewise create storage sufficient for irrigation and domestic water demands, the only possible excuse that can be ascribed to proceeding with this high dam at Black Canyon and with the expenditure of \$101,500,000 is that of constructing a power dam and a power project. In that connection conclusion No. 4 of the Sibert Commission—that is, the special board of engineers which was authorized to investigate the proposed project—confirms the statement that I have just made. It reads as follows:

It is obvious that the power which can be generated from Boulder Dam is a valuable resource. If the income from storage can be reasonably increased—

Prior to this the engineers stated that the Secretary of the Interior estimated that amount to be one and a half millions annually—

If the income from storage can be reasonably increased and the capital investment reduced by the cost of the all-American canal, together with a reduction of all or a part of the cost properly charged to flood protection, it would be possible to amortize the remaining cost from the income from power.

Mr. COLE of Iowa. Mr. Speaker will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. COLE of Iowa. We have a dam between the State which I have the honor in part to represent and the State of Illinois, known as the Keokuk Dam. It was built by a private corporation. I think that an investigation will show that this dam is nearly out of commission. They are manufacturing power in the city of St. Louis, which is one of the consumers of the power generated by this dam to-day, using internal combustion engines, using coal, and they generate power and sell it in St. Louis, as I am told, for less than it can be supplied from the Keokuk Dam. If this is true, if there is such combustion from these engines by which 80 or 90 per cent can be realized—if that is true and we are going to have development along that line, is it not possible that the United States, when it has invested millions of dollars in this dam and power plant, will be found to have purchased a lemon?

Mr. DOUGLAS of Arizona. I think it is quite possible, highly probable, and in fact practically certain, that the Federal Government will find that it has purchased not only a lemon but a box of lemons. [Laughter.]

This conclusion of the board of engineers does, then, define the project not as a flood-control project, because the board has recommended that the flood-control charge be made nonreimbursable, for flood control will provide storage for irrigation and domestic waters, and not as a storage project, but as a power project.

If the million and a half dollars referred to by the board—and that figure is merely a quoted figure from the Secretary of the Interior, not supported or denied by the board—if the million and a half dollars is obtainable from storage at Black Canyon, it is equally obtainable from a flood control and storage dam at any other site on the river, the cost of which would not exceed at a maximum, \$30,000,000.

The SPEAKER. The time of the gentleman from Arizona has expired.

Mr. SMITH. Mr. Speaker, I yield to the gentleman five additional minutes.

The SPEAKER. The gentleman from Arizona is recognized for five minutes additional.

Mr. DOUGLAS of Arizona. If that amount—\$1,500,000—is obtainable, it will amortize the cost of such a dam at the expiration of 50 years. What then can be the logic in authorizing a power project at Black Canyon involving innumerable hazards, financial hazards to the Government, when the essential item to amortization of the cost of that project, if obtainable there, will be obtainable from storage elsewhere, and will, without assuming hazards, without developing power, amortize the cost of the flood control and storage project?

As to the economic soundness of the project, the report of the Sibert Board of Engineers is very enlightening. It has reported that, because of inaccuracies and lack of data as to stream flow, it is impossible to make a close estimate of the power output. But on page 14 of its report it says that when irrigation has proceeded beyond the present acreage under cultivation the probable power output will fall to 50 or 60 per

cent of the estimated amount. It further says on the same page that even with another reregulating reservoir, the probable power output may fall below that minimum estimate.

How, then, can there be any estimate made of the income from power which will be commensurate even with the estimate made by a proponent to the effect that 3,600,000,000 kilowatt-hours of energy will be sold? How can that estimate be supported when the board of engineers authorized to investigate the economic feasibility of the project very specifically reports that that power output will have to be decreased by possibly more than 50 per cent?

Mr. CLARKE. Mr. Speaker, will the gentleman yield there?

Mr. DOUGLAS of Arizona. Yes.

Mr. CLARKE. Is not another important item left out of the estimate of the engineers there, that for four months during the year the torrent rolls down into the canyon under conditions that make it impossible for human beings to work at the bottom of the canyon? That is left out of the Sibert report.

Mr. DOUGLAS of Arizona. It may be that the Sibert Board may have overlooked certain items on both sides, both for the project and against it. However, I am perfectly willing to stand on the recommendations and findings of this board, because it was a board composed of extraordinarily able and eminent engineers.

Mr. CLARKE. Was not a comparative study made of the plan of Girand, and was not that one of the elements of the study of the engineering possibilities of building a dam there?

Mr. DOUGLAS of Arizona. When General Greenway was considering the construction of the Diamond Creek project his estimate was, as I recall, that there would be a period of from three to four months each year during which it would be impossible for men to work at the bottom of the canyon because of the terrific heat.

The SPEAKER. The time of the gentleman from Arizona has again expired.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent to proceed for an additional five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRIGGS. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. BRIGGS. Could the gentleman state, in a general way, in what respects the Senate amendment, which is all of the bill now, conforms to the report of the President's commission, recently appointed?

Mr. DOUGLAS of Arizona. There are three conditions enumerated in the final conclusion of the Sibert Board, the first of which is that if the revenue from stored water can be reasonably increased above \$1,500,000 annually, and so forth. With reference to that condition, neither the board nor anyone can say that that revenue can be so increased. I will say to the gentleman that inasmuch as all of the costs of the Reclamation Service and of the Secretary of the Interior—and when I say costs I am referring to costs of the project—have been, according to the Sibert report, too low, and inasmuch as, in addition to that, all of the estimates of revenue from the sale of power, as estimated by the Reclamation Service and the Secretary of the Interior, have been too high, it is reasonable to assume that this figure of \$1,500,000 a year from the sale of stored water is likewise too high. So the Senate bill embodies nothing which makes it mandatory to obtain in excess of \$1,500,000 from the sale of stored water.

With respect to the second condition, which is that if "the capital investment be reduced by the cost of the all-American canal," and so forth; in a certain sense, the capital investment, in so far as it is related to the burden to be imposed upon the revenues from the sale of power and stored water is concerned—in so far as that is concerned, the capital investment has been reduced by the amount of the all-American canal, so that the second of the conditions has, I suppose, theoretically at least, been met.

With reference to the third condition, "together with a reduction for all or part of the cost properly chargeable to flood protection," that condition has not been met because, under the terms of the Senate amendment, flood control is still reimbursable if there is any money with which to pay it back.

Mr. BRIGGS. I would like to ask whether the gentleman is familiar with the base rate used by the Reclamation Service in estimating the revenues from the sale of power? They had some base rate, did they not?

Mr. DOUGLAS of Arizona. They had and they used the figure of 3 mills per kilowatt-hour at the switchboard which, translated into terms of cost of power in the load center, would have brought that power up to over 5 mills. That estimate was made four years ago and, as the Sibert Board of Engineers very properly points out, "when this project was first proposed the

cost of steam power in southern California was such as to leave a reasonable margin of profit above the probable cost of hydroelectric power generated at the proposed power plant. With the reduction in costs of power generated by steam, this margin has been greatly reduced."

Mr. SWING. If the gentleman will permit, I do not understand that language to mean that it has gone below; that there is still a margin, but it is a small one.

Mr. DOUGLAS of Arizona. Exactly. If the power is to be sold at the switchboard, so as to be equal to a competitive price for power at the load center, 300 miles away, then the power can not be sold for more than 1.9 mills. It follows that the price per kilowatt-hour, as estimated by the Reclamation Service, must be reduced by more than one-third and that the amount of power to be produced must in addition be reduced by over one-third and that revenues will be correspondingly decreased.

The SPEAKER. The time of the gentleman from Arizona has again expired.

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLE of Iowa. May I ask the gentleman one question?

Mr. DOUGLAS of Arizona. I would like to say this to the Members of the House: It is not my desire to waste the time of Members of the House.

Mr. COLE of Iowa. The gentleman is not wasting the time of the Members of the House, but is giving useful information. My question is this: Much stress has been laid upon the protection of life—the sob element. Can the gentleman tell us whether life there could be safeguarded without this large expenditure?

Mr. DOUGLAS of Arizona. I would be delighted.

Mr. MONTAGUE. May I supplement the inquiry of the gentleman and ascertain whether I understand it. The gentleman means can you prevent floods without this large expenditure?

Mr. COLE of Iowa. That is correct.

Mr. MONTAGUE. I am very anxious to hear the gentleman on that.

Mr. DOUGLAS of Arizona. Whatever flood menace there may be—and there is a flood menace—is not commensurate with the amount of money to be appropriated under the terms of the amendment. The Imperial Valley and the other valleys that may be menaced by the flood waters of the Colorado can be more than adequately protected by the expenditure of a maximum of \$30,000,000, and that exceeds any figure estimated by the Reclamation Service or any other Federal bureau or engineer. The expenditure of that amount of money on the construction of a dam on the Colorado would not only protect those valleys, as they may need to be protected, from the menace of floods but it would also provide more than ample water for irrigation and future irrigation purposes, as well as for domestic water, if in fact—and I deny this to be true—there is any demand for domestic water.

The SPEAKER. The time of the gentleman from Arizona has again expired.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more.

Mr. DICKINSON of Iowa. Mr. Speaker, we have been very patient, although we understood we would get on with the appropriation bill in half an hour. It was not our understanding that we were to have indefinite extensions of time. I shall not object to another small extension of time, but I do not want to see it made perpetual here.

Mr. DOUGLAS of Arizona. I will say to the gentleman it is not my desire to take up the time of the House.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that the gentleman be allowed 10 minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. JONES. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I yield.

Mr. JONES. I would like to know if there has been an estimate made of the maximum amount of new land that could be brought under irrigation if this project were completed; that is, land in the United States in the basin of this river.

Mr. DOUGLAS of Arizona. Below the dam, as I recall the figure, by gravity 270,000 acres in the State of Arizona and by gravity in California 500,000, I believe. Is it not something like that?

Mr. SWING. Between 400,000 and 500,000 acres; but that is all ultimate and is some distance in the future—25 or 30 years.

Mr. JONES. I would like to have the gentleman's answer.

Mr. DOUGLAS of Arizona. As I recall the figure, it is some time since I have seen it, the total acreage that can be irrigated by gravity in Arizona and California is in the vicinity of a minimum of 770,000 acres, excluding the amount now under cultivation. There is a large one in Arizona which eventually can be irrigated by pumping.

Mr. JONES. In other words, that is the additional amount?

Mr. DOUGLAS of Arizona. Yes.

Mr. JONES. And that is the amount below the dam.

Mr. DOUGLAS of Arizona. Below the dam, in the United States.

Mr. JONES. Is there any other land below the dam that can be brought under irrigation outside of these two States?

Mr. DOUGLAS of Arizona. There is a tremendous amount of land that can be brought under cultivation in Mexico and in this connection I would like to read to you the conclusion of the Sibert Board of Engineers, to be found on page 15:

While much land has already been brought under irrigation in the Colorado River delta in Mexico, it is evident that such development has been retarded by lack of water available from the river during low-water periods. The storage of flood water in the Black Canyon Reservoir and its release during low-water seasons will make more water available in Mexico and will invite immediate expansion in irrigated acreage in that country—

And so forth.

Mr. JONES. Is there any evidence as to the amount of such additional land?

Mr. DOUGLAS of Arizona. I can say to the gentleman that there are about 1,300,000 acres of very easily cultivated and irrigated land on the delta of the Colorado in the Republic of Mexico.

Mr. JONES. Is that land rich and productive?

Mr. DOUGLAS of Arizona. Very rich and very productive.

Mr. JONES. Is there any additional land above the dam that might be used for irrigation purposes?

Mr. DOUGLAS of Arizona. Yes; quite an acreage in Colorado and in all of the upper-basin States, but this could not be irrigated from water stored at Black Canyon.

Mr. JONES. Does not the gentleman think that bringing all this new land under irrigation might increase the farm problem?

Mr. DOUGLAS of Arizona. I agree with the gentleman perfectly.

Mr. MONTAGUE. Will the gentleman permit me to add this line from the report which the gentleman has just read?

Mr. DOUGLAS of Arizona. Yes.

Mr. MONTAGUE (reading):

With the limited water supply available from the Colorado River, every acre permanently irrigated in Mexico will mean an acre in the United States can not be irrigated.

Does the gentleman agree with that statement?

Mr. DOUGLAS of Arizona. Yes; and I made that statement on the floor of the House last May.

Mr. MONTAGUE. That is my recollection of the gentleman's statement at that time. One other word, if the gentleman will permit: This report of the Sibert Board states that an agreement with Mexico should be made before the completion of this project. Is that the opinion of the gentleman?

Mr. DOUGLAS of Arizona. It is; and I offered an amendment to that effect last May, which the House refused to accept.

Mr. MONTAGUE. That recommendation or comment is made wholly upon the economic aspects of this case and not upon the political or governmental relations between Mexico and the United States.

Mr. DOUGLAS of Arizona. That is right; yes.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WILLIAM E. HULL. I would like to ask the gentleman if it would not take additional legislation to make any of this additional land that the gentleman is talking about available for irrigation purposes. In other words, Congress would have to act again.

Mr. DOUGLAS of Arizona. It would require additional legislation to irrigate in the vicinity of 200,000 acres of the 700,000 acres in California and it would take additional legislation to irrigate the 200,000 acres in Arizona.

Mr. WILLIAM E. HULL. In other words, we are not in any great danger of bringing in additional land unless Congress so provides?

Mr. DOUGLAS of Arizona. Under this act there is an authorization for a canal to the Coachella Valley, which, according to the statement made by the gentleman from California yesterday, but not on the floor of the House, would make it

possible, under the terms of this legislation, to irrigate approximately 370,000 acres, as I recall the gentleman's figures, including 200,000 acres on the East Mesa.

Mr. JONES. And may I suggest that if we already had the dam and all the water necessary that would be a strong argument in favor of the additional authorization.

Mr. DOUGLAS of Arizona. Yes. This legislation denies the rights of States, it provides for the construction of a power project of questionable economic soundness, it appropriates more than is necessary to meet the demands of flood control and storage; and it will forever stunt the growth of the Southwest in that it will give to Mexico water which will at some time be of great value to the United States. I am therefore as bitterly opposed to the project authorized in the Senate amendment as I was to the project authorized by the House bill (H. R. 5773). I shall, I hope, as long as I am a Member of the House of Representatives, however long that may be, never cast my vote to inject the Federal Government, directly or indirectly, into the power business. [Applause.]

We have had Muscle Shoals and we have been talking about its disposition for a decade. If Boulder Dam is constructed it is my prophecy that with each succeeding Congress for the next half century we will still be disposing of the dam and the plant.

Mr. LEATHERWOOD. Mr. Speaker, for more than seven years I have opposed the so-called Boulder Dam bill in its various forms. What little merit it had when it left the House last spring has been taken from it. I have always been opposed to it, and I am unalterably opposed to it at this time in its present form.

In view of established facts and the Sibert report, the title of this bill should be amended so as to read: "A bill to guarantee to the landowners in Mexico not less than 4,000,000 acre-feet of water in regulated flow from the Colorado River, and to establish the theory that the Government owns and controls the unappropriated waters of the streams in the arid-land States, and that hereafter the Federal Government will allocate the waters of said streams, by legislative fiction if necessary, and deny all ownership by the States in the unappropriated waters of streams within their borders."

The vice in this bill is inherent in the project which it authorizes. As I have repeatedly pointed out to the House, this is not a flood-control or an irrigation project but a great power project. It was conceived as a power project, planned as a power project, and if built it will be a power project first, last, and always, with flood-control and irrigation storage delayed, impaired, and rendered partially ineffective because they are combined with a power project.

The last vestige of excuse for the project has been swept away by the recent engineer's report. Prior to that time this project was justified by proponents on the ground that power was the "burden bearer"; that is, that it was necessary to have power as a dominant part of the project in order to secure revenue with which to pay for the flood control and irrigation—in other words, to make it "financially solvent and self-supporting," as stated in the bill. Now it appears, as those of us who have opposed the bill have long contended, that power can repay none of the cost of flood control or of irrigation; that, indeed, power can not pay that part of the cost which it adds to the project. Instead of being the burden bearer of the entire project, power now stands out as unable to bear its own burden. Hence the investment in a power enterprise which is included in this project and which amounts to about \$100,000,000 of the \$165,000,000 authorized expenditure is made for no purpose except the production of power, and that the uneconomic and unjustifiable production of power.

I simply wish to say, therefore, that if the Congress is going to authorize this project it makes but little difference in what form or by what words we bind the Federal Government to proceed with it.

Much has been said about who will build the power plants and operate them. While that has some importance, it has but little bearing upon the question as to whether this bill means that the Government is going into the power business. It is going into the power business and deeply and irretrievably into the power business when it builds this dam, because the dam can be justified on no other ground than that of the production of power.

I am not therefore concerned about the Senate amendments or the House amendments. This entire project is unsound and indefensible. When this project is authorized, if it is, the Government has on its hands a glorified Muscle Shoals—a source of administrative worry, of congressional debate, of interstate conflict, of international conflict, for the next 20 years. In the meantime the Imperial Valley will wait for flood control, and we shall find that before Boulder Dam is even

started the Congress will be asked to make provision for real and effective flood control for that valley.

I am more than ever convinced that the Government of the United States has never been more imposed upon than by this legislation. It is legislation to no purpose. It is worse than futile because it means not only the wasting of \$200,000,000 but the marring of the development of the Colorado River forever.

I desire to let this statement stand as a prediction and as my final blessing upon one of the most unwise measures I ever hope to see. [Applause.]

Mr. COLE of Iowa. Will the gentleman yield?

Mr. LEATHERWOOD. I yield to the gentleman.

Mr. COLE of Iowa. The gentleman referred to Mexico getting a certain amount of irrigation through this dam. Are we supposed to be building the dam for the benefit of Mexico?

Mr. LEATHERWOOD. No; but that is what this bill will accomplish for Mexico at the expense of the taxpayers of the United States. If we accept the engineering facts now before us and the Government builds a power plant capable of developing 1,000,000 horsepower of electric energy it will require more than 10,000,000 acre-feet of water per year to run the plant and of course it will be a regulated flow. Not more than half of this water can be used in the United States for all of the uses that have been suggested so far. Therefore, the other half, of course, by force of gravity will go down to Mexico in regulated flow so that they can use it upon their land for agricultural purposes.

Mr. CRAIL. Mr. Speaker, this is not the time to enter into a general discussion of the merits of the Boulder Dam project bill, and I am taking the floor to be heard on merely one matter which was injected into the discussion by my friend from Iowa [Mr. COLE]. While the gentleman from Arizona was discussing the bill, my friend the gentleman from Iowa asked him to yield for a question in the making of which he stated that the dam on the Mississippi River at Keokuk was losing money and was about to go under, or words to that effect, because of the fact that hydroelectric energy could be generated by turbine steam engines and delivered at St. Louis cheaper than it could be generated at the Keokuk Dam, and that if this were true on the Mississippi it was probably true on the Colorado River. To this the gentleman from Arizona replied, in effect, that if this bill were passed the Government would have spent hundreds of millions of dollars and would have only a white elephant on its hands and that the Government would never get its money back. The gentleman from Arizona also stated, in effect, that if this bill were passed the Government would have another Muscle Shoals Dam on its hands, and that every Congress for the next 50 years would be discussing what disposition it should make of the Boulder Dam, as it has been discussing Muscle Shoals Dam during the last 8 years.

The gentleman from Utah [Mr. LEATHERWOOD] called attention to the similarity between Boulder Dam and Muscle Shoals Dam and predicted that future generations would wonder why the Government of the United States had spent hundreds of millions of dollars in this fantastic enterprise.

I assume that the gentleman from Iowa [Mr. COLE] asked his question in good faith. I know that his statement and his argument thereon greatly impressed many Members of the House. If his statements are correct and his conclusions are accurate, it would be very poor business for the Government of the United States to spend such an enormous sum of money in the construction of Boulder Dam. For this reason I do not believe that the statements referred to and the conclusions drawn therefrom should go unchallenged.

As I stated on this floor a year ago when the bill passed the House of Representatives, not one dollar will be spent under this bill for the construction of a dam, or power plants, until and unless the Secretary of the Interior shall make satisfactory arrangements by written contract, adequate in his judgment, to insure the return payment to the United States of all of the costs of the development, the costs of the operations together with interest on all sums so expended.

This can not be too forcefully presented. The Government is not going into any visionary scheme; it is not going to be extravagant and injudicious in this matter. Not a shovel full of dirt is to be turned, nor a stick of dynamite discharged, nor one dollar expended in the enterprise until the Secretary of the Interior is satisfied that responsible parties have contracted in writing to reimburse the Government of the United States for every dollar that it expends in the project, with interest. This repayment and reimbursement must be within 50 years from the date of the completion of the work. Let me read paragraph B, section 4, of the bill, which is as follows:

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the

Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this act, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within 50 years from the date of the completion of said works, of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

You who want the facts and are willing to consider this project on its merits may have a full assurance that this enterprise is not going to cost the people of the United States one dollar except the small amount which would be required for flood control. The repayment to the Government of the money which may be advanced by it in the carrying into effect of the provisions of this bill, will be secured by the strongest guaranties of municipalities and corporations worth billions of dollars before the work is started. The same foresight, the same care, the same good business judgment will be used by the Government in the building of Boulder Dam as would be used by any other human agency in carrying out the same project.

This bill means much to the people of the Southwest. It means much to all of the seven Colorado River Basin States. It means much to all of the people of the United States for this is a national project. The development of our national waterways should be one of the chief concerns of this and future Congresses. The development of the Colorado River, its control and use by man as an agency for human good, is a worthy step in the direction of the development in a national way of our great waterways.

The passage of this bill and its approval by the President will bring joy and safety to the thousands in the Imperial Valley of my own State and it will make secure for the people of Los Angeles and the coastal cities of southern California an abundant and unailing supply of water for domestic use.

Mr. SMITH. Mr. Speaker, I move the previous question.

Mr. RANKIN. Mr. Speaker—

The SPEAKER. The gentleman from Idaho moves the previous question.

Mr. RANKIN. But I was on my feet asking for recognition.

The SPEAKER. The gentleman from Idaho is entitled to move the previous question.

Mr. SMITH. We assured the chairman of the Committee on Agriculture, whose bill is entitled to preference, that we would use but half an hour, and we have now run an hour and a half, and it seems to me that the matter has been very well discussed.

Mr. RANKIN. This Boulder Dam bill is just as important to the people of the United States as the appropriation bill.

Mr. SMITH. Mr. Speaker, I insist on my motion.

Mr. RANKIN. I trust, then, that the motion will be voted down in order that the House may have an opportunity to vote on my amendment.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. RANKIN) there were 78 yeas and 49 noes.

So the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Idaho to agree to the Senate amendment.

The question was taken; and on a division (demanded by Mr. RANKIN) there were 71 yeas and 77 noes.

Mr. SWING. Mr. Speaker, I object to the vote on the ground that it discloses that no quorum is present.

The SPEAKER. The Chair will count.

Mr. SWING. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 122, present 1, not voting 138, as follows:

[Roll No. 4]

YEAS—167

Abernethy	Barbour	Carss	Connally, Tex.
Adkins	Bell	Carter	Connelly
Allen	Berger	Chapman	Cooper, Wis.
Almon	Black, N. Y.	Chase	Cox
Andresen	Bloom	Clague	Crail
Arentz	Bowman	Cochran, Mo.	Cramton
Arnold	Campbell	Cochran, Pa.	Crisp
Aswell	Cannon	Collier	Dallinger
Bankhead	Carew	Collins	Davey

Davis
Dickinson, Iowa
Dickinson, Mo.
Douglass, Mass.
Driver
Elliott
England
Englebright
Evans, Calif.
Evans, Mont.
Fish
Fisher
Fletcher
Frear
Freeman
Furlow
Gambrell
Gardner, Ind.
Gardner, Tex.
Garrett, Tex.
Gibson
Gifford
Goldsborough
Gregory
Green
Greenwood
Griffin
Guyer
Hadley
Hall, Ill.
Hall, N. Dak.
Hardy
Hastings

Hawley
Hickey
Hill, Ala.
Hill, Wash.
Hoch
Hoffman
Holaday
Hope
Howard, Nebr.
Howard, Okla.
Huddleston
Hull, Wm. E.
James
Jeffers
Johnson, Ill.
Johnson, S. Dak.
Johnson, Tex.
Kading
Kahn
Kelly
Kincheloe
Kindred
Korell
LaGuardia
Lampert
Lankford
Lea
Leavitt
Letts
Lowrey
Lozier
McCormack
McDuffie

McKeown
McLaughlin
McLeod
Major, Mo.
Manlove
Mapes
Martin, La.
Michener
Miller
Monast
Moore, Ky.
Moore, Va.
Morehead
Morin
Morrow
Murphy
Nelson, Mo.
Norton, Nebr.
O'Brien
O'Connell
O'Connor, La.
O'Connor, N. Y.
Oliver, Ala.
Parks
Patterson
Perkins
Purnell
Quin
Ragon
Raney
Ramseyer
Sanders, Tex.
Sandlin

NAYS—122

Ackerman	Cole, Md.	Ketcham	Sproul, Ill.
Aldrich	Colton	Kieck	Sproul, Kans.
Allgood	Crowther	Lanham	Stalker
Andrew	Culkin	Larsen	Steele
Ayres	Darrow	Leatherwood	Stevenson
Bacharach	Dominick	Leech	Stobbs
Bachmann	Doughton	Lucas	Strong, Kans.
Bacon	Douglas, Ariz.	McMillan	Summers, Tex.
Beers	Doutch	McReynolds	Swick
Black, Tex.	Dyer	MacGregor	Taber
Bland	Eslick	Maas	Tarver
Bland	Foss	Magrady	Temple
Bowles	French	Major, Ill.	Thurston
Box	Fulmer	Martin, Mass.	Tinkham
Brand, Ga.	Garber	Menges	Tucker
Brand, Ohio	Gasque	Merritt	Underhill
Briggs	Glynn	Milligan	Vincent, Iowa
Brigham	Hale	Montague	Wason
Browning	Hancock	Moorman	Watres
Buchanan	Hare	Nelson, Me.	Watson
Burdick	Hogg	Newton	Weaver
Busby	Hooper	Niedringhaus	Wigglesworth
Rushong	Houston, Del.	Parker	Williams, Ill.
Byrns	Hudson	Rankin	Williams, Mo.
Canfield	Hull, Morton D.	Ransley	Williamson
Cartwright	Hull, Tenn.	Reece	Woodrum
Chalmers	Irwin	Reed, N. Y.	Wyant
Chindblom	Johnson, Ind.	Robinson, Iowa	Yates
Christopherson	Jones	Schafer	Yon
Clarke	Kendall	Seger	
Cole, Iowa	Kerr	Speaks	

ANSWERED "PRESENT"—1

Harrison

NOT VOTING—138

Anthony	Drane	Kunz	Rogers
Auf der Heide	Drewry	Kurtz	Romjue
Beck, Pa.	Eaton	Kvale	Rowbottom
Beck, Wis.	Edwards	Langley	Rutherford
Beady	Estep	Leibach	Sabath
Begg	Fenn	Lindsay	Sanders, N. Y.
Bohn	Fitzgerald, Roy G.	Linthicum	Schneider
Boles	Fitzgerald, W. T.	Lyon	Sears, Fla.
Boylan	Fitzpatrick	McClintic	Sears, Nebr.
Britten	Fort	McFadden	Somers, N. Y.
Browne	Free	McSwain	Spearing
Buckbee	Fulbright	McSweeney	Stedman
Bulwinkle	Garrett, Tenn.	Mansfield	Strong, Pa.
Burtness	Gilbert	Mead	Strother
Butler	Golder	Michaelson	Tatgenhorst
Carley	Goodwin	Mooney	Tillman
Casey	Graham	Moore, N. J.	Underwood
Celler	Grist	Moore, Ohio	Udike
Ciancy	Hall, Ind.	Morgan	Vestal
Cohen	Hammer	Nelson, Wis.	Vinson, Ga.
Combs	Haugen	Norton, N. J.	Weller
Connolly, Pa.	Hersey	Oliver, N. Y.	Welsh, Pa.
Cooper, Ohio	Hudspeth	Palmer	White, Kans.
Corning	Hughes	Palmisano	White, Me.
Crosser	Igoe	Peavey	Whitehead
Cullen	Jacobstein	Peery	Whittington
Curry	Jenkins	Porter	Wilson, Miss.
Davenport	Johnson, Okla.	Pou	Wolfenden
Deal	Johnson, Wash.	Prall	Wolverton
Dempsey	Kearns	Pratt	Woodruff
Denison	Kemp	Quayle	Wright
DeRouen	Kent	Rayburn	Wurzbach
Dickstein	King	Reed, Ark.	Zihlman
Dowell	Knutson	Reid, Ill.	
Doyle	Kopp	Robison, Ky.	

The Clerk announced the following pairs:

On the vote:

Mr. Free (for) with Mrs. Rogers (against).

Mr. Curry (for) with Mr. Igoe (against).

Mr. King (for) with Mr. Connolly of Pennsylvania (against).

Mr. Spearing (for) with Mr. Harrison (against).

Until further notice:

Mr. Britten with Mr. Corning.
 Mr. Johnson of Washington with Mr. Cohen.
 Mr. Michaelson with Mr. McClintic.
 Mr. Dowell with Mr. Kemp.
 Mr. Fenn with Mr. Garrett of Tennessee.
 Mr. Buckbee with Mr. Hudspeth.
 Mr. Welsh of Pennsylvania with Mr. Deal.
 Mr. Vestal with Mr. Mead.
 Mr. McFadden with Mrs. Norton.
 Mr. Fort with Mr. Peery.
 Mr. Porter with Mr. Wright.
 Mr. Hall of Indiana with Mr. Bulwinkle.
 Mr. Begg with Mr. Celler.
 Mr. Griest with Mr. Drewry.
 Mr. Bohn with Mr. Whittington.
 Mr. Graham with Mr. Mooney.
 Mr. Brown with Mr. Somers of New York.
 Mr. Kurtz with Mr. Underwood.
 Mr. Palmer with Mr. Mansfield.
 Mr. Golder with Mr. Vinson of Georgia.
 Mr. Wurzbach with Mr. Doyle.
 Mr. Strong of Pennsylvania with Mr. Wilson of Mississippi.
 Mr. Morgan with Mr. Pou.
 Mrs. Langley with Mr. McSweeney.
 Mr. Burtness with Mr. Weller.
 Mr. Dempsey with Mr. Rayburn.
 Mr. Goodwin with Mr. Stedman.
 Mr. Beck of Pennsylvania with Mr. DeRouen.
 Mr. Haugen with Mr. Whitehead.
 Mr. Butler with Mr. Tillman.
 Mr. Knutson with Mr. Reed of Arkansas.
 Mr. Clancy with Mr. Gilbert.
 Mr. Hughes with Mr. Sabath.
 Mr. Kearns with Mr. Jacobstein.
 Mr. Lehlbach with Mr. Oliver of New York.
 Mr. White of Maine with Mr. Linthicum.
 Mr. Wolfenden with Mr. Auf der Heide.
 Mr. Moore of Ohio with Mr. Boylan.
 Mr. Eaton with Mr. Johnson of Oklahoma.
 Mr. Denison with Mr. Lyon.
 Mr. Pratt with Mr. McSwain.
 Mr. Robison of Kentucky with Mr. Prall.
 Mr. Kopp with Mr. Fulbright.
 Mr. Jenkins with Mr. Edwards.
 Mr. Beedy with Mr. Quayle.
 Mr. Clague with Mr. Hammer.
 Mr. Davenport with Mr. Sears of Florida.
 Mr. Cooper of Ohio with Mr. Romjue.
 Mr. Roy G. Fitzgerald with Mr. Drane.
 Mr. Rowbottom with Mr. Rutherford.
 Mr. Wolverton with Mr. Kunz.
 Mr. Estep with Mr. Carley.
 Mr. W. T. Fitzgerald with Mr. Dickstein.
 Mr. Woodruff with Mr. Casey.
 Mr. Zihlman with Mr. Lindsay.
 Mr. Sanders of New York with Mr. Crosser.
 Mr. Peavey with Mr. Kent.
 Mr. Sears of Nebraska with Mr. Combs.
 Mr. Nelson of Wisconsin with Mr. Kvale.
 Mr. Hersey with Mr. Fitzpatrick.
 Mr. Schneider with Mr. Palmisano.
 Mr. Tatgenhorst with Mr. Moore of New Jersey.

So the motion to concur with the Senate amendment was agreed to.

Mr. BLACK of New York. Mr. Speaker, the lady from New Jersey [Mrs. Norton] is unable to be present to-day. Had she been present I am authorized to state that she would have voted "yea."

Mr. HARRISON. Mr. Speaker, I desire to withdraw my vote of "no." I am paired with the gentleman from Louisiana [Mr. SPEARING]. If he had been present, he would have voted "yea."

Mr. BUTLER. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BUTLER. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. SMITH, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

THE LATE MARTIN B. MADDEN

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that Sunday, February 10, 1929, be set aside for memorial services on the life, character, and good deeds of the late Hon. MARTIN B. MADDEN, who was taken away from us on April 27 last.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Sunday, February 10, 1929, be set aside for memorial services for the late MARTIN B. MADDEN. Is there objection?

There was no objection.

ADDRESS OF HON. LINDSAY C. WARREN

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. McDUFFIE. Mr. Speaker and gentlemen of the House, yesterday at Kill Devil Hills, in North Carolina, was celebrated

the achievement of the Wright brothers, who were the first to teach man that he could master the air. The ceremonies were of great historic interest to all the world. That celebration was the most interesting one it was ever my privilege to witness. The corner stone of the memorial commemorating the first flight of man was laid by the Secretary of War. Amongst the notable speeches made was an address delivered by our colleague from North Carolina, Mr. WARREN, in whose district the ceremonies were held, and who was so largely instrumental in marking this historic spot. His address was most interesting and eloquent. It should be a part of the permanent records of this House, and I therefore ask unanimous consent to extend my remarks in the RECORD by printing therein this address delivered by the distinguished gentleman from North Carolina.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. McDUFFIE. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert an address of Mr. WARREN, of North Carolina, on the occasion of the laying of the corner stone of the memorial commemorating the first flight of man at Kill Devil Hills, N. C.

The address is as follows:

THE WRIGHT BROTHERS

Mr. Chairman, Mr. Orville Wright, delegates attending the International Civil Aeronautics Conference, and ladies and gentlemen; standing on soil already sacred in the life of the Nation we come here to-day to see the world pay universal acclaim to the inventive genius of man. Over 300 years ago, just 3 miles distant, the first of the English set their feet, built their dwellings, sowed their crops, and performed their religious devotions in the Western World. Upon this soil landed the first English women who crossed the ocean to find homes upon the newly discovered continent, and here was born and christened the first English child who saw the light of day in the New World. Here the customs, laws, and language of England were first transplanted and struck their roots in the soil.

It was this dauntless spirit of adventure and achievement that prompted Sir Walter Raleigh to extend the domain of civilization—this indefinable spirit which has inspired man to greater achievement through the ages. The story of the pioneer has largely constituted the history of the world.

Over 300 years later this same pioneering spirit again selected North Carolina for its greatest triumph, and the world's most important conquest began on this spot. For centuries the mind of man had been fascinated and diverted to overcome what was supposed to be contrary to every law of nature, and for ages men experimented and planned, to be accompanied only by failure.

And then came the Wrights. It was by no mere accident that Kitty Hawk was selected as the scene for an experiment that later astounded the world. Nor was it their desire for privacy that made Wilbur and Orville Wright come to this spot on the narrow banks of North Carolina, which hold back the Atlantic from its inland sounds. They did not think that the public would manifest enough interest to disturb them. Kitty Hawk was chosen because the United States Weather Bureau had advised them that it was in this locality that the winds were the strongest and steadiest, and, therefore, more propitious for their plans. They came to what was then a little isolated village of fishermen, whose life had been a continuous combat with an unrelenting sea. They found here what has been said to be the purest Anglo-Saxon blood on the American Continent—God fearing, noble men and women, who, together with the crew of the United States Coast Guard Station at Kill Devil Hills, composed the population of this outskirt on the eastern frontier of America.

The scant publicity appearing in the press of the Nation termed it a fool's errand. They suffered the same aspersions and derisions as have all others who blazed trails. They became forgotten men—cranks, seeking to obtain the impossible. For three years they conducted their glider experiments, and after a thousand such flights they had actually succeeded in staying in the air for a minute in a glider. Their courage and faith was superb. They knew that the history of their race had been full of failure, but that each failure had marked a surer and firmer advance of civilization. The world might scoff, but the Wrights knew, as well as men can know anything in the future, that the machine they had so patiently constructed would fly, for the formula had been verified. They achieved their results neither by luck or the process of elimination, but by scientific inquiry and study. And so, by a toss of a coin, it fell to the lot of our distinguished guest to usher in a new era that has revolutionized transportation and has redounded to the happiness and progress of the human race.

Twenty-five years ago from this morning, with a 27-mile-an-hour wind against it, his machine rose from the ground and went a distance of 120 feet in a flight lasting 12 seconds. And here it was that for the first time in history a machine carrying a man raised itself by its own power into the air in full flight, went ahead without reduc-

tion of speed, and landed at a point as high as that from which it started. Here this epoch in the history of the world had its genesis. Here stands the cradle of aviation.

As those who first came to these shores lived in the great age of discovery, so to-day we live in the age of invention. Distance has been annihilated by the marvelous radio. The world has been united by the locomotive and automobile. The perfection of the printing press has spread knowledge to every class. The humblest man to-day has available for his comfort and his education facilities that the mightiest king of a former century never dreamed possible. When the gas engine was hurled into the air by Wilbur and Orville Wright the last citadel of man's earthly kingdom was brought into subjection, and it is the sober judgment of students of human history that nothing can compare in creative worth to this accomplishment.

When we stop and visualize that just a quarter of a century ago one of the greatest newspapers in America wired its correspondent to "stop sending fake stuff, for nobody believes these wildcat yarns about men flying in an airplane," the supremacy of man in the air is almost unbelievable. With this humble origin as a setting we have seen the Atlantic spanned, the globe circled, and the North Pole flown over. We have seen the airplane become an indispensable necessity in the commercial and business life of the world, and a vital factor in national defense. What would appear to be a stretch of the wildest imagination could only conjure up the immediate future.

To the honored guest of this splendid gathering I would say that it has not been the privilege of many who have made history to be the recipient of such an ovation as this. There has rarely been accorded to a man in the flesh the plaudits of his fellow citizens such as within a week have been given to you and your lamented brother. A grateful and appreciative Nation, fortified by her friends and neighbors of the universe, come to pay you a tribute of admiration and regard that has only few parallels in history. With the modesty that has ever characterized you, you have seen those who would detract from your achievement succumb in the light of analysis. You stand not only before the world as a discoverer but as one whose brain perfected to its present state what was first conceived in it.

This memorial authorized by the Congress of the United States started here to-day is merely to place in imperishable granite the recording of another milestone of man's work. Its plans have been sought from the most distinguished architects of the Nation. It is contemplated that there shall be a lofty tower containing a light to guide those who travel by air and sea. The second unit calls for a new Coast Guard station on yonder beach, to which will be attached a tablet in bronze to depict what transpired here. How fitting it is that the Coast Guard, that noble service for humanity, which contributed its assistance in this feat, should be recognized in its perpetuation. Next year a bridge will span this sound to make it in easy access to the Nation, and I believe that I can safely state that North Carolina, recognizing its obligation, will construct a paved road to this historic spot.

We are dedicating here to-day a national shrine. There will be gathered here the intimate associations that made it possible. Here the air was conquered and here belongs the implements of conquest. To this spot in centuries to come will journey those who would pay reverent tribute. To-day the homage of the world is given here. To-morrow it will become the pilgrimage and the Mecca of those whose happiness have been enhanced.

This memorial standing here facing a mighty ocean will proclaim the sentiments of a grateful Republic.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. TREADWAY in the chair.

The Clerk reported the title of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to return to page 20 in order to make a correction.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the amendment adopted by the House on that page be inserted on line 13, following the word "indemnities," striking out the colon and inserting a comma, instead of on line 12 following the figures "\$5,171,000."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to make the correction indicated. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that I may be permitted to return to page 24 for the purpose of offering an amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 24 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, after line 25, insert "In all, salaries and expenses, \$9,527,790."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DICKINSON of Iowa. Mr. Chairman, on page 27, I ask unanimous consent to make a correction in line 8, by striking out the letter "D" and inserting in place of it the figure "4," so that it will read "secs. 401-404."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to make the correction referred to on page 27. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Horticultural crops and diseases: For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing, and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, \$1,077,231.

Mr. HILL of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HILL of Washington: On page 34, line 21, strike out "\$1,277,281" and insert "\$1,292,231."

Mr. HILL of Washington. Mr. Chairman, my amendment proposes to add \$15,000 to the amount in line 21, page 34. In the items which go to make up this total is an item of \$15,000 for the investigation of a fruit disease known as perennial canker. In the current fiscal year there is an item of \$15,000 for this investigation. In the present bill a similar amount is carried for the same purpose. I am seeking to increase that amount \$15,000 by making it \$30,000. The perennial canker is a fungus disease that attacks apple trees. The spores from the fungus on the apple tree is communicated to the fruit of the tree and causes what is called fruit rot. The apples go into storage in an apparently perfect condition, and then during the period of storage, depending upon the stage of maturity of the apple, there develops a dry rot or fruit rot on the apples in storage caused by the spores from this fungus on the apples, developing under the condition of humidity and temperature in storage. This is coming to be a very destructive disease to the apples in storage. It is causing great economic alarm in the apple-growing sections of the Northwest. The Hood River section has practically reached a point where they can no longer secure credit upon orchard property because of the ravages of this disease. In the Wenatchee district and other districts in the State of Washington the perennial canker is distributed throughout the districts of heavier precipitation, and, more or less, throughout the entire apple-growing sections of the State.

This disease has been discovered in the various orchard-growing sections of that State, and it is believed it is also prevalent in the State of Idaho. This disease has reached such a point that apple buyers are now refusing to buy apples for future delivery in storage. The banks of the country and the credit associations are refusing to extend credit and the situation is critical. All I am asking is that this appropriation be increased from \$15,000 to \$30,000 that this emergency may be met in a more effective way and that a remedy be found at an earlier stage than can possibly be found under the meager appropriation of \$15,000 for that purpose. If this disease continues unabated it means the destruction of over \$300,000,000 of orchard property in my State. No disinfectant has yet been discovered to combat it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Washington. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Washington. We are now threatened with quarantine of our apples and investigators have already visited that section with a view of investigating the situation to determine whether or not our apples shall be moved to the markets of the country and the world. It is an emergency, it is an economic crisis, and I ask that this appropriation be increased

in the modest sum of \$15,000, making a total of \$30,000, so that we may have sufficient money to properly investigate and combat this insidious disease.

Mr. LARSEN. Will the gentleman yield?

Mr. HILL of Washington. I will.

Mr. LARSEN. I would like to know whether that condition of which the gentleman from Washington complains exists only in that State or in other States?

Mr. HILL of Washington. It exists only in the Northwest at the present time, so far as I am advised.

Mr. LARSEN. And appears in other States?

Mr. HILL of Washington. Oregon, Washington, and probably Idaho, but the disease might well be expected to creep into all that section.

Mr. Chairman, I urgently ask that this meager appropriation of \$15,000 for this purpose, to save this great industry of the Northwest, be increased to \$30,000.

Mr. DICKINSON of Iowa. Mr. Chairman, I rise in opposition to the amendment. Last year we had before our committee a group of men wanting relief from this same disease. At the urgent request of the apple men of that area we put in the bill an item of \$15,000, and the department established a laboratory in the Hood Valley, and they are now working on the disease. The gentleman from Washington now comes in and wants to double that appropriation, although they have been making splendid progress, and they have been working on this disease in this one valley, and are prepared to proceed next year.

The area to which the gentleman refers is the Wenatchee Valley, about 150 miles from the Hood River Valley. It does not seem to be justifiable to ask for \$15,000 each time they plant apples in another valley. The investigations carried on in one valley should be helpful in another valley, and there is no reason why those experts can not cross those mountains and make a survey of the conditions existing in the Wenatchee Valley and transfer their investigations further over to the laboratory that we have established. The gentleman from Washington is here without reason when he asks this House to double this appropriation for this research when he has within a stone's throw of his own valley the very line of work going on with respect to the same disease that he is asking to have controlled by the Government in the Wenatchee Valley.

Mr. HILL of Washington. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HILL of Washington. I want to call the attention of the gentleman to the fact that we already have a laboratory out there which is equipped for the investigation of this disease. You do not have to establish a new laboratory. The man who discovered the identity of the spores with the spores on the apples on the tree is in control of that laboratory.

Mr. DICKINSON of Iowa. If you have a man there already, why do you want \$15,000 more? You have an appropriation of \$15,000 in the laboratory in the Hood Valley. There is no reason why the department should be asking to extend this work every time the disease breaks out in a neighboring valley. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HILL of Washington. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Washington calls for a division.

The committee divided; and there were—ayes 18, noes 24.

So the amendment was rejected.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina moves to strike out the last word.

Mr. ABERNETHY. Mr. Chairman, I desire the attention of the distinguished chairman of the subcommittee [Mr. DICKINSON of Iowa]. I had myself intended to ask for an increase of this item on account of the strawberry troubles we are having down in my section of the country from the disease known as the dwarf. But before this matter came up I talked with the distinguished chairman of the subcommittee about it and found out that an increase to deal with it had been allowed, and knowing the temper of the House, particularly at this time, and knowing how economical the Members are, and how eager they are to follow the distinguished gentleman from Iowa, I have contented myself with asking him to put in the RECORD, if he will, a statement as to how this money, in his opinion, should be expended.

This question of investigating this disease and this strawberry trouble started last year, and the investigation was be-

gun by the department. Now there is an increase in the appropriation, as I understand. It seems to me the attitude of the department should be to continue these investigations with this increase from the point where the trouble started in my territory. I would like to have the gentleman's opinion on that.

Mr. DICKINSON of Iowa. We have increased the strawberry item in this bill very materially. There is a certain disease of the strawberry that is prevalent in different localities, and the experts have already done some work in the gentleman's section of the country. I do not see why, with the increase we have given the department, they can not make additional investigations down in the gentleman's country. I hope the department will be able to do it and I think they will.

Mr. ABERNETHY. I think I can fare better in the future by not contending with the gentleman and by getting under his protective wing. I am thankful for the amount given, and, considering the temper of the House, I will not ask for more.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Gardens and grounds: To cultivate and care for the gardens and grounds of the Department of Agriculture in the city of Washington, including the upkeep and lighting of the grounds and the construction, surfacing, and repairing of roadways and walks; and to erect, manage, and maintain conservatories, greenhouses, and plant and fruit propagating houses on the grounds of the Department of Agriculture in the city of Washington, \$97,740.

Mr. LARSEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. LARSEN. Mr. Chairman and gentlemen of the committee, I am not complaining about the rather large sum of money that seems to be appropriated in this bill for the purpose of farming in the District of Columbia, and especially in the city of Washington, although there is nearly \$100,000 proposed to be appropriated under the provisions of this bill for that purpose. Personally it occurs to me that probably it would be a great deal more advisable if some of these large appropriations were used for the purpose of furthering agriculture in more distant localities and in agricultural communities where some aid is so badly needed at this time.

But I rise to specifically express my regret at conditions which exist in the crop-estimating department of this Government. It does seem to me that there is not as much harmony and as much cooperation between the departments of our Federal Government, and especially those departments that are engaged in the crop-estimating work, and the agriculture departments of the various States as there should be.

There has been a dispute as to the crop estimate in my own State, Georgia. For some months it has been the contention of our department of agriculture—and I think we have one of the best in the country—that the estimate made by the Department of Agriculture in Washington as regards the production of cotton in Georgia for this year was entirely too high. I have been watching this controversy for some months and as the crop is being harvested, and the harvest has practically been completed and estimated in our State, it appears there was considerable cause for complaint upon the part of the Georgia commissioner of agriculture. The authorities in Washington, at a very crucial period in the marketing of our crop, estimated that the cotton production of the State of Georgia would be 1,020,000 bales. The department of agriculture in that State took the position that it would fall considerably short of 1,000,000 bales. The last estimate as made by the State of Georgia upon this crop is that Georgia will produce, or has produced, you might say, 961,241 bales. The Government estimated, according to the last estimate made, that it would produce 1,020,000 bales, a difference of nearly 59,000 bales of cotton.

If this only applied to the State of Georgia it might be less seriously regarded and we might be inclined to overlook any contentions existing between the authorities here and the authorities in that State, but the same things which are true in Georgia are true in many of the other cotton-producing States. It has existed to such an extent that one of the Senators in the other end of the Capitol called attention to it and said that the Department of Agriculture of the Federal Government had overestimated our cotton crop by nearly 1,000,000 bales, and it appears that is true.

Now, the difficulty is that when the Federal Government comes out—at the time we are marketing our crop in October, or at

least when the poor man has to market his crop, when the one and two horse farmers are forced to put it on the market—and forecasts a production far in excess of what the actual yield will be, you can see what havoc is played and that millions of dollars are lost by these small farmers. It may not make such a material difference, however, to the man who is able to hold his crop over until the next year.

Now, Mr. Chairman, what I want to do is this: I want to urge upon the part of the officials of this Government that they cooperate better with the State officials. I know, and I think everyone else knows, that the various States in this Union have their agricultural departments and are in a better position to make an estimate as to what the production in that particular community is apt to be than the Federal Government, because the Federal Government has not the machinery, has not the facilities, and is largely dependent upon our State authorities, and yet when our State authorities make an estimate which seems to coincide with the facts of the case, in many instances the Federal Government brushes it aside and says, "Oh, no; you will produce a great deal more," just as was the case in Georgia this year.

I think it is regrettable. It is regrettable because it not only affects Georgia but the other States which produce cotton as well.

Mr. RANKIN. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. RANKIN. In that connection I desire to say to the gentleman from Georgia that when the crop-reporting bureau made its estimates for September, the figures gathered from its correspondents in the field showed that the condition of the cotton crop had declined about 10 per cent.

If they had followed the logic of those figures in making up their estimates of the production at that time they would have reduced their estimate several hundred thousand bales below what it was, but instead of doing that they seem to have disregarded those figures and to have followed the suggestions of the private reporters throughout the country and raised the estimate instead of reducing it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia may proceed for three additional minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Georgia may proceed for three additional minutes. Is there objection?

There was no objection.

Mr. RANKIN. I will say to the committee that this is of more importance to the cotton growers than any other legislation this House will likely pass at this session.

As I said, instead of following the logic of the information received through their field representatives, they seem to have followed the lead of the private crop estimators who are primarily interested in the cotton speculators. They increased their estimate and have held to that lead from that day to this, until to-day it is apparent to every intelligent man, familiar with the cotton crop and cotton-growing conditions, that they are several hundred thousand bales above the actual production. That resulted in driving the price down, depressing the market possibly several cents a pound, all of which cost the cotton growers many millions of dollars.

I telegraphed to Washington protesting against this misconduct at the time.

Mr. LARSEN. I thank the gentleman for his very timely remarks and would add that it not only depressed the cotton market but in many cases it has actually resulted in distressing conditions to the small producers throughout the country.

The tendency of the Federal Government seems to have been, although I do not charge it was, as the gentleman from Mississippi stated, to favorably regard the reports as made by the private speculators and to disregard the reports as made by the various departments of agriculture in the States throughout the cotton-producing area. The result has been that they have taken a position against the accredited authorities of the States and have injuriously affected the price which the producer should receive.

Mr. Chairman, I ask unanimous consent that I may extend my remarks by incorporating in the RECORD a telegram which I have received from Hon. Eugene Talmadge, commissioner of agriculture for the State of Georgia, touching upon this question.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing the telegram referred to. Is there objection?

There was no objection.

The telegram referred to follows:

ATLANTA, GA., December 15, 1928.

Congressman W. W. LARSEN:

Final report on Georgia cotton crop for this year compiled by Georgia Department of Agriculture shows 961,241. Final Federal report for Georgia, 1,020,000. According to the records of the Georgia Department of Agriculture, the Federal bureau overestimated the Georgia cotton crop 58,759 bales. The largest estimate of the Federal department on the Georgia cotton crop was released October 8, the peak of marketing. This estimate for Georgia was 1,060,000 bales. If the Federal bureau has overestimated the crop in other States as has been done in Georgia, Senator HEFLIN, of Alabama, is very conservative in his statement that the crop for the entire Cotton Belt has been overestimated 500,000 bales.

EUGENE TALMADGE,
Commissioner of Agriculture.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Arlington Farm: For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900 (31 Stat. pp. 135, 136), \$60,000: *Provided*, That the limitations in this act as to the cost of farm buildings shall not apply to this paragraph.

Mr. REED of New York. Mr. Chairman, I move to strike out the last word.

I am very sorry to take the time of the committee. It is very unsatisfactory to stand here and try to hurry when you have something you think is of real interest to the Members of the House. After all, I feel I owe something to the chairman, who has very kindly given me this time. I owe something to the Members of the House in saving their time, because I realize you want to finish the bill and you wish to get away. I want to give you the meat of what I have to say and then I am going to ask the privilege of extending my remarks.

There is hardly a Member on the floor of this House who does not have in his district orchards or fruit of some kind. There is no nation in the world which produces more fruit or finer fruit than the United States of America, and fruit growing in the United States is distributed pretty much over the whole country.

I am in sympathy with the Department of Agriculture in the work it is trying to do, and the Department of Agriculture has brought production up to a very high point. But there is one phase of agriculture that has been neglected, and that is the marketing feature. The result is we hear much about overproduction.

I realize you intend to bring in some relief bills, and the chances are that some farm relief bill will be passed either at this session or at a special session of Congress; but there is one phase of agriculture that will not be reached except through the tariff and through the means which I wish to present here.

We provided under the pure food and drugs act for proper labeling and required that certain fruits must be labeled "imitation" or "compound." There has recently been rendered a decision in the district court at Detroit which has simply opened up the floodgates for imitation fruit products, and many manufacturers have seen fit to take advantage of the opportunity to foist upon the public substandard products.

The consumers have learned to rely on the Department of Agriculture to protect them. The result is they little realize or even suspect that they are buying imitation fruit products. The magnitude of this fraud upon the consuming public, I imagine, is not known by the membership of the House.

For instance, take the strawberries from the West. They are putting on the market to-day an imitation with just enough strawberries to give the proper flavor, with large quantities of sugar and a certain amount of peptone, and the rest is a lot of inferior apples ground up. The public is paying the regular price for this product. Your chain stores are handling this sort of thing and this is happening all along the line.

Mr. SUMMERS of Washington. If the gentleman will yield, where is that product manufactured?

Mr. REED of New York. In many of the large cities all over the country, and the gentleman is in just the same position as other Members from fruit-producing districts.

Mr. MILLER. Where is the product put on the market?

Mr. REED of New York. It is put on the market in every part of the country and I will say to the gentleman from Washington that you can find very little pure strawberry jam on the shelves of the stores in this country to-day.

Now, what is the trouble? The floodgate has been let down. The Department of Agriculture ought to take some steps to correct the situation, but so far as I know it has

not presented or recommended any legislation to do so. It has been two years since this decision was rendered and the time has come for some legislation.

Here is the situation and the reason the Department of Agriculture is waiting—

Mr. MILLER. Will the gentleman yield?

Mr. REED of New York. Yes.

Mr. MILLER. If it is a substitute so superior to anything that is prepared any other place, I think it ought to be permitted to be on the market, even though there is but a slight quantity of strawberries in it.

Mr. REED of New York. We will not discuss that. This fraud affects the gentleman's State as much as any State in the Union.

Mr. COOPER of Wisconsin. Can the gentleman indicate briefly what that court decision was to which he has referred?

Mr. REED of New York. I have not the time to go into that, but I can tell the gentleman what happened. They destroyed the corpus of the case, so the Government could not appeal. Then they enjoined the Government—think of that—they enjoined the Government from enforcing a criminal statute, and that matter has been pending for practically two years. No one ever heard of such a thing before. The Agricultural Department is waiting for a final decision in the case, and while they are waiting the fruit producers of the country are being destroyed and the consumer defrauded.

The administrative standard and definition for pure fruit jam or preserve as announced by the Department of Agriculture calls for the use of not less than 45 pounds of fruit to each 55 pounds of sugar in the manufacture of the product. This standard is now violated with impunity.

One of the markets upon which the fruit grower must depend to take the surplus production is the fruit packer and preserver. The manufacture of fruit products keeps the grower alive. There is furnished the grower year after year a steady, certain market for his production less subject to fluctuation than the hazards of the fresh fruit demand. The tonnage of fruit dependent upon the preserving industry is enormous. The fresh fruit markets are not subject to much expansion. The preserving industry can be readily enlarged as the public appetite for preserved fruits is increased by satisfaction with the quality.

I am informed that if only half of the present production of substandard preserves were converted into standard products the increase in the outlet for fruit would be enormous. A standard quality of jelly, for instance, would contain four times more fruit than the substandard articles which are now being sold without the words "imitation" or "compound" to warn the consumer.

In my State of New York there has been a great increase in the acreage devoted to cherries which are grown primarily for the preserve industry. This greatly increased production will soon be upon the growers' hands and they must find a market. There is no fresh fruit market for this variety of cherry. The outlet in the preserve industry must be enjoyed or the growers are facing disaster.

In Washington and Oregon approximately 60,000 barrels of strawberries are packed for manufacturers of fruit products each season. The past two years this fruit has not been absorbed and the stocks have been carried over at ruinous prices. Approximately 80,000 barrels of raspberries are packed each year in the States of Washington and Oregon for manufacturers of fruit products. The supply is greater than the demand. The States of Maryland, Delaware, and Virginia produce large quantities of fruits for preserving use and are in the same situation. In Arkansas, Louisiana, and Tennessee ideal climate and soil conditions have resulted in the creation of a fruit-growing industry which has reached proportions that require larger markets. Michigan and Wisconsin with their strawberries, raspberries, and cherries are in the same condition. They have no adequate market. The grape growers of Ohio, Pennsylvania, and New York depend upon the manufacture of fruit products far more than upon the purchasers of basket fruit for home consumption. The fruit growers of Colorado and Idaho, who have started out with such promise, have reached the limit of their present market. Again, I repeat, the gravity of the situation justifies immediate and drastic action.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests; for the examination and appraisal of lands in effecting exchanges authorized by law and for the survey thereof by metes and bounds or otherwise by employees of the Forest Service, under the direc-

tion of the Commissioner of the General Land Office; and for the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the act of June 11, 1906 (U. S. C. pp. 423, 424, secs. 506-509), the act of August 10, 1912 (U. S. C. p. 423, sec. 506), and the act of March 3, 1899 U. S. C. p. 421, sec. 488), as provided by the act of March 4, 1913 (U. S. C. p. 424, sec. 512), \$52,500.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that a parenthesis mark be inserted following the figures "1899," in line 14, on page 41.

The CHAIRMAN. Without objection, the correction will be made in the manner indicated.

There was no objection.

The Clerk read as follows:

FOREST-FIRE COOPERATION

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote continuous production of timber on lands chiefly valuable therefor," approved June 7, 1924 (U. S. C. pp. 427-428, secs. 564-570), as amended, including also the study of the effect of tax laws and the investigation of timber insurance as provided in section 3 of said act, \$1,300,000, of which \$34,460 shall be available for departmental personal services in the District of Columbia and not to exceed \$3,000 for the purchase of supplies and equipment required for the purposes of said act in the District of Columbia.

Mr. LEAVITT. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 45, line 13, strike out the figures "\$1,300,000" and insert "\$1,400,000."

Mr. LEAVITT. Mr. Chairman, this amendment is offered to the section of the bill that has to do with fire-protective cooperation. It seems to me, and I think to all who have studied the problem carefully, that protection against fires is the foundation of all forestry practice.

The amount in the bill—\$1,300,000—is not sufficient to meet the cooperation already lined up between the different owners of timber in the several States and the Federal Government under the McNary-Clark Act. I have discussed the matter with the committee. In my amendment I have attempted to come somewhat nearer to the amount required to meet the obligations and to carry out a sound forestry policy.

Mr. DICKINSON of Iowa. Mr. Chairman, the evidence before the committee showed that the amount that should be put in for fire protection in cooperation with the States should be about 25 per cent. The amount carried in the bill is a little above 19 per cent. For that reason the committee has no objection to the amendment offered by the gentleman from Montana.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Total, Forest Service, \$12,814,280.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word. I do not do so with any idea of offering an amendment or opposing the legislation. The committee has decidedly cut down on the amount for the acquisition of these forest lands. I thought it ought to appear in the Record why the committee has seemingly gone against the previous recommendations of the House which in the previous sessions virtually, by legislative action, gave a mandate to the Appropriations Committee on the subject of acquiring forest lands which included cut-over lands for the purpose of reforestation.

Mr. DICKINSON of Iowa. Mr. Chairman, there was over a million dollars allocated for the purchase of a great parcel of land in the New England States. It was a lump sum for the purchase of lands, mainly in New Hampshire. That was all provided for and the allocation was known before the appropriation had been made. It is for the beginning of the purchase of the outlying areas that have been surveyed or contracted for that this appropriation will be used. We believe that the President and the Budget reached the conclusion that this was a sufficient amount to inaugurate the purchase of forest land on a larger scale.

Mr. HUDSON. It does not mean any policy on the part of the committee or the Budget to restrict the purchase of these lands.

Mr. DICKINSON of Iowa. It does not on the part of the committee; I can not speak for the Budget.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Soil survey: For the investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultural experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, \$274,000.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 49, line 14, after the figures "\$274,000," insert a new paragraph, as follows:

"To enable the Secretary of Agriculture to make investigation, not otherwise provided for, of the causes of soil erosion and the possibility of increasing the absorption of rainfall by the soil in the United States, and to devise means to be employed in the preservation of soil, the prevention or control of destructive erosion and the conservation of rainfall by terracing or other means, independently or in cooperation with other branches of the Government, State agencies, counties, farm organizations, associations of business men, or individuals, \$160,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. BUCHANAN. Mr. Chairman, I state to the chairman of the committee [Mr. DICKINSON of Iowa] that if we get into a discussion of this amendment, it will take some time. I do not know how long the gentleman contemplates remaining in session. If we discuss it, I will want at least 25 minutes, and others desire to discuss it. Unless the chairman [Mr. DICKINSON of Iowa] will agree to its adoption it would be better to adjourn.

Mr. DICKINSON of Iowa. Mr. Chairman, this matter was thoroughly discussed before the committee. The committee is absolutely convinced of the merit of the erosion work, and so far as I am concerned, and I think I can speak for the rest of the committee, we do not expect to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that on page 48, line 12, in order to correct the spelling, to strike out "gines" and insert "gins."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to correct the spelling in the manner indicated. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I desire to offer another amendment, to go at the end of the erosion amendment just adopted. I do not think the gentleman from Iowa will object to it. It is for the purpose of making the sum of \$40,000 of the amount appropriated immediately available, in order to permit the department to commence work this year.

Mr. DICKINSON of Iowa. Mr. Chairman, I have no objection to that.

Mr. BUCHANAN. Mr. Chairman, I offer that amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN: Page 49, at the end of the amendment just adopted, insert the words "of which amount \$40,000 shall be immediately available."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. Chairman, the adoption of the Buchanan amendment, in so far as this House is concerned, means the crystallization into law of a bill (H. R. 12485) introduced by me having for its object the accomplishment of the same purpose. The advantage of having it incorporated as a part of this agricultural appropriation bill is twofold: First, insurance of its immediate passage and second, that funds for carrying the project into effect will be available without further legislation. I am gratified that my colleague [Mr. BUCHANAN], who is the ranking minority member on the Agricultural Appropriation Committee, saw proper to offer the amendment, and I congratulate the House on its adoption.

Science is solving many problems once thought impossible of solution. The forces of nature are being mastered, so that those which were once destructive are now being made to serve the needs of humanity. The great floods which periodically destroy life and property if properly curbed and directed may be made a beneficent blessing. The time will come when we will not permit the excessive rainfall in flood time to bring devastation and ruin, but these waters will be conserved and made useful rather than destructive.

The rainfall, if not permitted to run off too rapidly, will reduce the flood hazard, and this measure therefore affects to some extent the question of flood relief. The checking of the run-off will also give additional moisture to the lands on which it falls by causing an increased absorption of the rainfall.

But paramount in importance is the prevention or control of destructive erosion and the consequent preservation of the soil. It is designed therefore to bring a threefold blessing—reduce the flood hazard, preserve and retain moisture, and conserve the soil.

The damage done by soil erosion is little understood by the American people. According to Mr. H. H. Bennett, of the Bureau of Chemistry and Soils, who has given this subject years of intensive study and is regarded as one of the Nation's experts, the farmers of the United States are losing at least \$200,000,000 annually by soil erosion. Mr. Bennett states that the loss to the Nation is difficult to estimate, and that unless it is checked it will ultimately mean the destruction of all agricultural lands. According to him and other experts, as a soil is worn down it becomes less productive, not at a uniform rate, but at a progressively increasing rate.

The State of Texas, realizing the importance of conserving the soil, established some years ago at Spur, Tex., a station to make a study of this important subject. This Texas station was the first comprehensive soil-erosion station in the history of the world, and the work being done there is doing great good.

This statement was made before the hearings on this bill, not by one from Texas, but by one of the experts in the United States Department of Agriculture.

In a letter to me from Mr. A. B. Comer, of the Texas Agricultural Experiment Station, who is connected with the work of this station, he writes most interestingly of results of their investigations. Permit me to quote a paragraph therefrom:

We have at our Spur Station more than 100 acres of land included in the run-off water and soil erosion experiments, and several thousand dollars' worth of equipment, and we are now actively engaged in studying the problem and collecting data. Our preliminary results indicate that our water losses frequently reach 50 per cent of the total rainfall and our most extreme loss has been 85 per cent of the total rainfall, such a rain being of the kind and character that causes flooding of the rivers.

Moreover, in a single year we have obtained a measured loss of 41 tons of surface soil to the acre. This tremendous loss of plant food, caused by washing, is responsible in perhaps a larger measure than we now appreciate for the depleted condition of the soils of east Texas and the difficulty with which we rebuild them.

The problem of soil erosion is not confined to any one State or group of States, but in every State of the American Union where there are agricultural lands the question will sooner or later have to be dealt with. Texas and Missouri are the only two States that have thus far established experiment stations for this purpose. Experts tell us that investigation and experiments to develop the best means of preventing water losses must be established in different parts of the country, as the soils of the various sections differ materially, so as to require different treatment. The sections which the Director of the Bureau of Chemistry and Soils advises need immediate attention are those lands situated in the silty uplands along the Mississippi and Missouri Rivers and their tributaries; in the region of heavy soils of southern Ohio, Indiana, Illinois, and Kentucky; the Piedmont and Appalachian regions; in the black prairies of central Texas; the sandy and stiff soils of east Texas and Louisiana; the red prairies of Texas, Oklahoma, and Kansas; and in many of the New England States; the soil within these areas being especially vulnerable to erosion and in a measure each presenting a different problem for solution.

It is apparent that this investigation is of such magnitude and importance, not only to agriculture, but to the economic life of the Nation, that the Federal Government should undertake its solution, and not leave it to the several States to do. The only matter of surprise is that the Federal Government has not sooner undertaken this important work.

We expend millions of dollars to maintain our Army and Navy to be used in case of wars which may not and we hope may never materialize, but this appropriation is not to avert a threatened menace, but an existing menace, which is destroying the agricultural lands of America.

This is a constructive measure. The money appropriated under this amendment is an investment that will pay vast dividends. Its purpose is to preserve the greatest material asset of the Nation—our agricultural lands. The wealth of this Nation does not consist of its stocks and bonds; these are mere evidences of wealth. The real and fundamental wealth of America is its rich agricultural lands, and when these are gone

the wealth of the Nation will vanish. Stocks and bonds will then become mere scraps of paper. The machinery in the great factories will become silent and commerce will sicken and die. Let us preserve these lands not only for our own use and for those of this generation, but for the use of our children and for those who shall live after us.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word in order to inquire with reference to the appropriation for soil survey. How does that compare with the appropriation made for that purpose last year?

Mr. BUCHANAN. There is a little increase.

Mr. DICKINSON of Iowa. There is an increase of \$4,000 after the Welch Act adjustments are taken care of.

Mr. BRIGGS. That is just to take care of the salaries?

Mr. DICKINSON of Iowa. No; that is over and above the Welch Act.

Mr. BRIGGS. I think this work is of a very valuable character, and I am hoping that nothing will be done to impair the effectiveness of it; that its efficiency might be promoted by giving it a little more money. In this connection, is the Bureau of Soils limited in its activities in soil survey to maps on a certain scale which do not conform to the scale of maps of the Topographic Survey? For instance, they insist that the scale is very much larger with respect to the soil-survey maps; the soil-survey people are always asking for the topographic maps on which to build their soil surveys, and one branch or the other of the department is indicating that there is a restriction imposed upon the character of that scale.

Mr. DICKINSON of Iowa. That is a matter over which this committee would have no jurisdiction. It is an administrative matter.

Mr. BRIGGS. I thought perhaps the gentleman might be familiar with it.

Mr. DICKINSON of Iowa. No.

Mr. MORROW. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record upon the Buchanan amendment.

The CHAIRMAN. The gentleman from New Mexico asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. MORROW. Mr. Chairman, in pursuance to leave granted me to extend my remarks in the Record, I insert herein information sent to me by Dr. H. L. Kent, president of the College of Agriculture and Mechanic Arts, State College, New Mexico, upon soil erosion and the prevention of same by soil terracing:

NEW MEXICO COLLEGE OF AGRICULTURE AND MECHANIC ARTS,
State College, N. Mex., November 29, 1928.

Hon. JOHN MORROW,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN MORROW: While I was in Washington last week, I learned that Congressman BUCHANAN, of Texas, is planning to ask for an appropriation for the United States Department of Agriculture to provide for experimental work in land terracing, primarily for the prevention of soil erosion, although here in the West we are interested in it fully as much for water conservation as for the prevention of erosion.

As I understand it the situation is as follows:

First. The amount of money wanted, \$150,000 is the present judgment of the amount, was not included in the Bureau of the Budget's estimate.

Second. Mr. BUCHANAN has the approval of his subcommittee of the Committee on Agriculture, and they now anticipate that the matter will be introduced on the floor of the House and they believe that without any difficulty it will be added to the Budget estimate.

Third. As you can well appreciate, we must have some support for the measure from the various sections of the United States. My purpose in writing to you at this time is, first, to be sure that you know about the proposed legislation, and, second, to try to enlist your interest in it and then, finally, to furnish you with information which may be used in support of same.

Frankly, I think Mr. BUCHANAN is asking for too little money. I told him so but I assume that his judgment and experience dictate that a small amount shall be asked for in the beginning and thereafter the work and the interest created through the work will make it easier to secure larger amounts and an enlarged amount of work.

I came back from Washington with the soil-conservation specialist of the Federal land bank at Houston, Tex., A. K. Short. Short is a Texas A. and M. graduate who has worked for the college for years and gave up his work for the college to go with the Federal land bank on this special kind of job. He pointed out many of the pressing problems in east Texas where erosion is serious.

Erosion is a problem in west Texas and northeastern New Mexico. We think of it as a problem that is of no immediate importance except

in a few isolated cases. As a matter of fact, it is of immediate importance. This is shown by the results obtained at the Spur (Tex.) Experiment Station. Their results indicate that the normal rate of erosion on fields with a slope of only 2 or 3 per cent will remove 6 inches of the top soil from cultivated fields in about 40 years. Long before the entire 6 inches has been removed the fields will be, of course, so reduced in production as to make it almost impossible for a farmer to make a living. Therefore we will or should be concerned with this soil-erosion problem.

Director Conner, of the Texas station, and those of us who are working here in New Mexico are more immediately concerned in water conservation, which goes along with the prevention of erosion.

The method found most effective for preventing erosion is to throw up low, broad terraces running on contour lines through the fields. These terraces, of course, prevent the formation of gullies. At the same time in our plains region, where the rainfall is limited and frequently comes in hard showers, these terraces prevent the run-off of the water and save it for the benefit of crops.

The Spur station data indicate that 25 per cent of their annual rainfall comes in small showers that are of no particular benefit. These showers may be from one-tenth up to one-half inch and, as you can readily understand, are lost through evaporation.

Another 25 per cent of the total rainfall is lost through surface run-off. The farmer ordinarily makes a crop on 50 per cent of the annual rainfall. If through terracing we can conserve the 25 per cent now lost on account of surface run-off, we have really added 50 per cent more effective water to the farmers' crops and that water stored not in a reservoir that requires ditches for distribution but stored on the land on which the crop is growing; that is, stored in the soil.

This puts the matter briefly, except that I want to add that the extension force at the college here has been encouraging soil terracing in northeastern New Mexico. We have been doing that for two or possibly three years. Results are encouraging, but the number of farmers convinced or persuaded is small and we need more data and perhaps the weight of Government data or experiments back of our program.

I have just written to Arthur Jones, of the First National Bank at Portales, who is chairman of the committee on agriculture of the State Bankers' Association, suggesting that at the meeting of the agriculture committee of that association this winter we take up this problem for discussion. I did not mention to him the proposed legislation. We can, of course, get the indorsement of the association to a much better advantage if we have the matter thoroughly discussed with them so that they understand it before asking for an indorsement.

My own personal opinion is that this terracing program should be tied up with water conservation in the dry plains area, and that it will and should, by rights, have a place in the entire program of flood control.

I am mentioning this matter of water conservation and the possible contribution to flood control to you in order that you may have it in mind during the present session of Congress. Let me point out that the proposed method of flood control by means of large reservoirs or dams along the stream courses requires a tremendous expense or investment. It will hold the water in the upper reaches of the streams. But before the water can be put to use it will be necessary to construct long canals and expensive irrigation works, and then the water can be applied to the land. That is, to a limited area of land. If, on the other hand, we could encourage a very general practice of terracing, and we find that these terraces will hold a considerable amount of water that now goes down these streams at times of flood, we reduce the flood danger, prevent erosion, and the silting up of the stream channels, and at the same time store the water in the soil of the fields on which the crops are growing.

The expense in the one case is borne by the farmer, who terraces his own land, the public contribution being the services of the county agent and possibly a terracing engineer. The expense in the other case means millions put into large dams and irrigation works and the additional labor on the part of the farmer to distribute the water after it has been delivered to him through the irrigation works.

The terracing program means that the silt ordinarily removed by flood water is left on the farmer's field and the fertility thereby preserved. In the other case it means that washing goes on, the silt is carried into the stream beds and distributed or deposited in the reservoir above the dam. In time these deposits will fill the reservoir and then you have your problem to solve again. Meanwhile your original resource, the fertility of the land, has been removed, and the second time you attack the flood problem you will be without the natural resources to pay the bill.

That is a long-time view and given to you for your guidance. I think perhaps at this short session Mr. BUCHANAN's bill ought to be supported just as it is, and at the next session those of you who are acquainted with the problem may go in for additional funds for water conservation and possibly flood-water control.

Very sincerely yours,

H. L. KENT, President.

The Clerk read as follows:

Cereal and forage insects: For insects affecting cereal and forage crops, including sugar cane and rice, and including research on the European corn borer, \$470,620.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado: Page 51, line 12, after the sum "\$470,620," insert "of which \$8,000 shall be immediately available for the control of the cricket in northwestern Colorado."

Mr. TAYLOR of Colorado. Mr. Chairman, that amendment is in accordance with the report and in agreement with the committee.

Mr. DICKINSON of Iowa. Mr. Chairman, there is no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, in further explanation of this amendment I ask to insert in the RECORD a statement I made before the agricultural appropriations committee, as follows:

FRIDAY, DECEMBER 7, 1928.

CRICKET ERADICATION

STATEMENT OF HON. EDWARD T. TAYLOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. TAYLOR. Mr. Chairman and gentlemen, this is a small matter for which I appear in a financial way, and yet it is of tremendous importance to the State of Colorado. * * * These crickets appear periodically. There is an authentic record of them. They seem to last for a few years and then disappear. They are migratory. The records show their appearances in 1879 and in 1882, 1895, 1900, 1902, and 1904. They come into Utah and southern Idaho. From 1904 to 1918 there is no record of their doing any damage. But from that time to this day they have been more active. About three years ago they appeared in the northwestern corner of Colorado on the public domain, and they have since spread to a considerable portion of the three northwestern counties of that State.

I asked to have an item put into this bill a year ago, for the purpose of exterminating these pests, and the chairman told me then he thought the item for grasshoppers might be used for this purpose; but when the time came to get some of that money the department said the appropriation did not apply to crickets and would not let me have any of it. Of course, when the Budget is being made up in August, September, and November, our Members of Congress are out home, so we can not appear before the departments or the Bureau of the Budget. But as soon as I came here this fall I took it up with the Department of Agriculture, and they are very much in favor of this item. The Federal Bureau of Entomology has very diligently been working on this matter for two or three years. They sent two of their very capable men, Mr. Frank T. Cowen and Mr. Sam C. McCampbell, and they have worked with Mr. C. P. Gillette, of the Colorado State Entomological Association from the State Agricultural College, and with the officials and people of all those three counties, and they have now devised a plan of poisoning those crickets and handling this matter.

The system in brief is to get long sheets of tin and make a tin fence about three feet high and as long as they can make it. They also dig a trench in front of it. When the crickets fill the trench and pile up to the top of the fence they smoke them out, that is they spray them with calcium-arsenate, and it suffocates them.

The local people have spent about \$25,000 in the last two or three years in fighting these crickets and trying to save their crops, and that is all they can spend. That is a sparsely settled country and its people are mostly settlers of very limited means. There are nearly 7,000,000 acres of land in those three counties, and only about one-fifth of it is patented land, the rest is mostly public lands of the United States covered with sage brush, oak brush, and buck brush, and other scrubby stuff on the hills and mountain sides that is the breeding place of these crickets. It is unconscionable to expect these people on their little farms in the narrow valleys to guard against these swarms of crickets that come from Uncle Sam's public domain. They travel in bands, swarms, or droves of various sizes, sometimes 2 miles one way and a mile the other. Their distribution is not uniform. But all areas are liable to be infested.

Mr. BUCHANAN. That is one of the plagues of Egypt sent on your people.

Mr. TAYLOR. These swarms of crickets eat everything the farmers grow. They pollute the streams and become so thick that neither the people nor the stock can drink the water. People can not live there. There have been something like 200 farms abandoned in the past three years. The people have been actually driven out, many of them without a dollar on earth, and have had to go off some place and try to get

work and something to eat. A few of the Federal land-bank loans have been foreclosed, but not many of those. Most of the Government loans are on lands that have thus far escaped.

The land upon which these crickets breed is the public domain of the Federal Government. It is not privately owned land, subject to taxation. If it were, I would not be here asking for this relief. Colorado would handle it. But it is not right and we can not guard against that condition on public lands. About a million acres of public domain is actually infested with these crickets. In Moffat County alone, before the crickets came, there were 429 farms under cultivation. Now there are only 258. And the crickets caused nearly all of that devastation and depopulation. We look upon them as Uncle Sam's crickets, not ours.

But the people have now learned how to handle them. Those Federal and State entomologists have been diligently experimenting, studying, and working on this matter, together with the people of those counties, and they have worked out the system and the kind of poison that will kill the crickets en masse and have learned the method of doing it. Of course they may improve on the present methods. But I am not asking you to hire people to go out there and do the work. Those people ask Congress to appropriate \$12,000 a year for two years to buy the poison, and the tin fencing, and spraying apparatus, and other equipment, and they will do the labor themselves. They ask that this money be made available for their use early next spring so they can poison the crickets early before they commence migrating. They believe with that and what they can get from the local people and the State legislature, they can eradicate this pest from that country.

Mr. BUCHANAN. Do you mean this fiscal year?

Mr. TAYLOR. Yes; this coming year. I want that item to be made available immediately. They have to go in there and poison these crickets when they are hatching out early in the spring.

Mr. BUCHANAN. When do they hatch out?

Mr. TAYLOR. In April mostly, I think. Those people must have this money before that time. They can not wait for the beginning of the next fiscal year on July 1, 1929.

I may say that I talked this matter over with Doctor Marlatt and his assistants several times. The Federal Bureau of Entomology thoroughly understand it. They have at my request already made a favorable recommendation to the Secretary of Agriculture, and the Secretary of Agriculture has made a favorable recommendation to the Bureau of the Budget, and I have conferred with them. I talked to Mr. Peffer of that bureau this morning, and he says they will promptly act upon it. But what they will do with it, of course, I can not say. I am very confident they will heartily approve of it.

Mr. BUCHANAN. Can you not get them to send it up to us?

Mr. TAYLOR. I have been urging them to do so and I believe they will. But I have not heard from them yet.

Here is a map of these three counties. You can see the different colors. They came in here [indicating] in 1921. Then they came in here [indicating] in 1926 and 1927. In this color here [indicating] is where they have been fighting them this past summer. This is the Bear River through here, and they are on the south side of it. They travel like an army. I drive through that country in an automobile every summer or fall, and they are almost as thick as ants all over the roads. We crushed thousands of them driving along with an automobile.

They are poisonous. When the chickens or turkeys eat them, they just topple over and die. There does not seem to be any way of getting rid of them except to poison them with calcium arsenate, and that kills them. The people won't do that on the public lands before they get down to their farms. They dig a ditch and put up a tin fence high enough so that they can not hop over. When the crickets fill up the trench or ditch and get about 3 feet deep and up to the top of the fence, to prevent them from hopping over, they have to spray them and kill them. It is an enormous job, but that is a good farming and stock country that is well worth saving. Uncle Sam naturally has an interest in those three naturally rich counties. At least, they will some day be rich and will be well populated. Congress is spending many millions of dollars every year for relief work of various kinds, and the Department of Agriculture is doing a vast amount of this kind of work in eradicating all kinds of pests that are injurious to agriculture; and I earnestly feel that no expenditure of money is or could be more deserved than this very modest amount I am asking you for, and I hope this committee will respond to the prayers of those pioneer farmers and help them exterminate those mormon crickets. I thank you for giving me this very courteous hearing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Southern field crop insects: For insects affecting cotton and including research on the pink bollworm of cotton there is hereby made available \$303,120 of the unexpended balance of the appropriation of \$5,000,000 for establishing and enforcing noncotton zones, carried in the second deficiency act, fiscal year 1928.

Mr. HASTINGS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Amendment by Mr. HASTINGS: Page 51, line 18, after the figures "1928," strike out the period and add "of which amount \$10,000 shall be immediately available for boll-weevil research control work in Oklahoma."

Mr. HASTINGS. I have submitted this amendment to the committee and I understand there is no objection.

Mr. DICKINSON of Iowa. There is no objection.

The question was taken, and the amendment was agreed to.
The Clerk read as follows:

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops, and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the extension service and other Federal, State, and local agencies, \$845,000: *Provided*, That \$113,000 shall be available for collecting and disseminating to American producers, importers, exporters, and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals as may be necessary in connection with this work: *Provided further*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intentions of farmers as to the acreage to be planted in cotton: *Provided further*, That no part of the funds herein appropriated shall be available for the preparation of mid-monthly reports of cotton estimates for the months of July, August, and November.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 61, line 16, after the word "cotton," insert "no part of the sum herein appropriated shall be available for establishing a foreign agency where there is now a United States commercial attaché located."

Mr. WOOD. Mr. Chairman, my purpose in introducing this amendment is to call the attention of this body to what is going on in the way of overlapping. We have now at Marseilles a United States consul whose business it is in some degree to furnish the information as provided for in this item. It may be said because the duties the American consuls have, they can not devote the time to this work. They are supposed to devote a part of their time in getting information regarding markets abroad. In addition, the purpose of obtaining this information, we have established in various parts of Europe commercial attachés and agents. There are now located at Marseilles one of these commercial attachés. It is his duty to do the identical thing that is expected by the agricultural agent if he be located there. We are now paying the commercial attachés the same amount of money it is proposed to pay the agricultural attaché to be located there. My experience as a member of this Appropriations Committee has been that instead of being helpful, where there are two agencies whose purpose it is to gather this sort of information, it is hurtful, in this: They do not cooperate, they antagonize each other. It took a long while for us to become convinced and convince the State Department that it was essential to establish commercial attachés because of the conflict or seeming conflict in authority. Now we established these commercial attachés for the purpose of gathering information regarding markets, regarding products, and regarding prices, and we have, as I have stated, a commercial attaché at Marseilles who is doing this very thing.

Now, to establish an agricultural agent there to do this same character of work is going to result in no cooperation between them and there will not be. There will be a conflict of authority, each contending he has a right to do this or do that, and in consequence we are not going to get the information which we are entitled to receive for the expenditure of money we are going to make. It occurs to me that with the information I have from the Budget in reference to this appropriation that before it should be used there should be a getting together of the Department of Commerce and the Department of Agriculture to prevent overlapping. It seems that has not been done, and General Lord tells me he is still waiting for these two departments to get together on this proposition. I think as a

business matter this amendment should prevail. We are going to have deficiency hearings soon, and they will probably be completed during the holidays; in all probability the deficiency bill will pass this House and the other House before this bill is finally passed, and those representing these departments, both sides, can be given an opportunity to iron out their differences and convince the committee and Congress that it is not a double expenditure of money for the accomplishment of a single purpose. But it occurs to me that until then we ought to be very slow in passing this appropriation for this purpose.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. Certainly.

Mr. McLAUGHLIN. Is not the gentleman's statement of what he proposes a part of the plan suggested by the Department of Commerce a year or two ago, to do away with these agricultural agents in foreign countries and have their work done by agents of the Department of Commerce?

The gentleman from Indiana speaks about the two departments threshing out their differences and coming to an agreement. An effort was made to that end in the matter of which I speak, and the attempt to reach an agreement was a failure. Officials of the Department of Agriculture insisted that their men were needed and ought to be continued; that their agents ought not to be supplanted and their work ought not to be attempted by agents of another department. It seems to me it is the same thing that was threshed out in this House at some length only a year or two ago, when we came to the conclusion, very emphatically, that this work of the Department of Agriculture ought not to be interfered with by the State Department or by the Department of Commerce.

Mr. WOOD. I will say in answer to the gentleman from Michigan that every time we establish a new agency here or give encouragement to these old agencies by the establishment of some new branch of activity they are always jealous of their jurisdiction. Take the Department of Labor, with reference to the gathering of statistics, for example. They are furnishing statistics that could well be used not only by the Department of Agriculture, but by the Departments of Commerce and State, and yet each one of these is insisting that it shall have an agency for the gathering of the same facts, because they want to be independent of these other establishments.

This overlapping runs into millions and millions of dollars. It is only a small item abroad as compared with the overlapping that is going on in the other departments here. In the interest of good government, in the interest of good business, in the interest of the things we have these agencies for, we should have an understanding between these various departments. If, as the gentleman from Michigan says, one department through its agency is not furnishing all the information that should be furnished, then that agency should be gotten rid of. If one department can perform the service better than another, let the department best performing it have it; let that department render the service. But let us not have two agencies conflicting with each other, trying to accomplish the same purpose.

It is admittedly true from the information we have in regard to this case and from statements of the departments that they are overlapping with respect to the functions involved in this proposition.

Mr. McLAUGHLIN. Mr. Chairman, I will say that when the same data was submitted to others they did not come to the same conclusion as that arrived at by the gentleman from Indiana [Mr. Wood]. There was an attempt on the part of those who would interfere with the agents of the Department of Agriculture to show that other agents were doing the same work, and perhaps doing it better, and the Department of Agriculture said, "No."

Mr. WOOD. That confirms what I said. Each one contends always that "I am it."

Mr. McLAUGHLIN. But the gentleman stated that it was generally agreed that they were interfering with one another, and that one could do better than two. That has not been agreed to, as I understand it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, this has been a very delicate matter for many years. It started first with the State Department and then was taken up by the Department of Commerce and the Department of Agriculture. A few years ago we tried to establish legislation to define the authority of these departments. The Ketcham bill respecting the Foreign Service has passed the House, but was objected to in the Senate and has not passed that body. But it is on the Senate Calendar over there and is now pending. I am not convinced myself that the Budget Bureau and the State Department are

aware of this overlapping; otherwise they would not have contended for the necessity of this new station in this city.

I want to suggest to you that amendment of the gentleman from Indiana would not only prevent the continuation of the present station, but it would also deprive the Department of Agriculture of its man in London and its man in Berlin, part-time men in Rome, and the two men in Shanghai that were provided by this House for that department, and which have been approved by the Budget. This amendment not only goes to the new station, as the amendment is drawn, but it goes to all the stations of the Department of Agriculture.

I am wondering whether the Department of Commerce would be willing to have all its stations discontinued and have them taken care of in a deficiency bill. I suggest to you that they would not. It is not only undoing what is proposed to be done in this bill, namely, establishing a new station, but by the amendment of the gentleman from Indiana you would destroy the stations you already have and setting aside the exact understanding we have had in the three departments for a number of years.

This matter has been dragging on for some time. I do not know when we shall be able to get the Ketcham bill through. But there is a letter in existence in which Secretary Jardine and former Secretary Hoover approve a program as suggested in the legislation, and say they will work out the differences between the two departments. I do not know of anything that would interfere with that any more than to have the findings of the Budget Bureau set aside by such an amendment as we have here. Hence I hope the House will vote down this amendment.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Louisiana moves to strike out the last word.

Mr. O'CONNOR of Louisiana. Mr. Chairman, inasmuch as the reading of the letter which I am going to pass up to the Clerk will throw some light on the subject matter, although it may not be entirely applicable to the item under discussion, I am going to avail myself of a pro forma amendment in order to get that letter and a few of my own notions before the House.

The CHAIRMAN. Without objection, the letter referred to will be read.

The Clerk read as follows:

NEW ORLEANS, December 14, 1928.

HON. JAMES O'CONNOR,

House of Representatives, Washington, D. C.

DEAR JUDGE O'CONNOR: To-day at the Recess Club luncheon I heard, with great interest, Mr. Goff, New Orleans representative of the United States Bureau of Foreign and Domestic Commerce, describe some phases of the enormously important work of that bureau.

From the many questions asked Mr. Goff it was evident that every man present realized, to some extent at least, the value of that work to his own enterprises.

Many years of close contact with the economy of this country convince me beyond a question, that the larger interests of all of us require that the United States Bureau of Foreign and Domestic Commerce be given every possible opportunity to develop its work and service to the very highest degree of efficiency. And I am quite sure such an end can not be obtained unless and until the appropriations made by Congress for the use of that bureau be very radically increased.

The bureau should be placed in position to offer really worth while careers to the most efficient type of representatives. It should be in position to train such representatives at least to the point where their efficiency will never be less than is the efficiency of the best type of representatives of other Governments.

There should at all times be ample money available to the bureau not only for ordinary every-day needs, but for every character of need that might promote our foreign trade.

Were private enterprise to contract with American business to promote its foreign trade, probably \$100,000,000 would be spent for that work.

If we are to have adequate overseas outlets for our surplus production, the Government should open its purse strings wide to the Bureau of Foreign and Domestic Commerce, which is the chief, and nearly our only agency looking toward better and better relations for us in overseas trade. I do hope you will bear this matter in mind when the next Budget is under consideration.

Very truly,

WALTER PARKER.

Mr. O'CONNOR of Louisiana. Members of the committee, I could not add to the strength of the statements made in that letter if I attempted to elaborate them. Walter Parker was for years the secretary of the New Orleans Association of Commerce; he was the secretary of the Flood Control Association

for many years and was at one time connected with the Department of Commerce. He is looked upon as an unusual economist in the Mississippi Valley and he participates in a great many of the conferences that are held between the peoples of the southern section of the country, Central America, Mexico, and South America. I know it is his view that if there be conflicts among the representatives of our Government in Central America and South America, of course, they ought to be avoided, but from my own personal observations in Mexico, Central America, and that part of South America over which I have traveled, I have come to the conclusion that you can not have too many representatives of this country endeavoring to do propaganda work in behalf of our commerce. We are confronted with tremendous opposition on the part of European countries, particularly those that have cheap labor, and it is essential, in my judgment, to maintain as fine a corps there as possible, of course, endeavoring to obviate all the antagonisms and rivalries which were referred to by the gentleman from Indiana [Mr. Wood].

Keep in mind, gentlemen, that the future commercial greatness of our country lies on this continent. Canada, Mexico, Central and South America will mean a harvest of gold for the United States during the next half century. Immigration from southern Europe, in view of our immigration laws, will follow the lines of least resistance, as it were, and natural selection. Immigrants from those warm countries around and near the Mediterranean littoral will move to the shores of the Gulf of Mexico and the Caribbean Sea, where there are already a people similar in blood and analogous in habit and custom. With millions of the same people moving farther south to live under the Southern Cross, below the Equator, millions from the British Isles will move northward into the Canadian fields and far above. Let us strengthen our foundations and reinforce our commercial organization so that it can expand with a steady growth.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. Wood].

The question was taken, and the amendment was rejected.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. CELLER, for an indefinite period, on account of illness.

To Mr. CLARKE, for 10 days, on account of flu.

To Mr. CULLEN, for an indefinite period, on account of illness.

To Mr. MORGAN, for two days, on account of important business.

HON. CHARLES L. FAUST

Mr. DYER. Mr. Speaker, it is my sad duty to announce to the House the death of my beloved colleague, Congressman CHARLES L. FAUST, who passed away last night. He was one of the most lovable characters we have had in the House, in my judgment, for many years. He was liked and respected by every Member and his death is a very great loss to the House as well as to the splendid constituency which he represented so ably and well for a number of terms.

At a later date, Mr. Speaker, I will ask the House to set aside a day to pay respect to the life and character of my colleague. At this time I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri offers a resolution, which the Clerk will report.

The Clerk read as follows:

H. Res. 269

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES L. FAUST, a Representative from the State of Missouri.

Resolved, That a committee of 19 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee:

Mr. DYER, of Missouri; Mr. JOHNSON, of South Dakota; Mr. TIMBERLAKE, of Colorado; Mr. WILLIAMS, of Illinois; Mr. PURNELL, of Indiana; Mr. CHINDELOM, of Illinois; Mr. DICKINSON, of Iowa; Mr. MANLOVE, of Missouri; Mr. ALLEN, of Illinois; Mr. RAINEY, of Illinois; Mr. HASTINGS, of Oklahoma; Mr. ROMJUE, of Missouri; Mr. MILLIGAN, of Missouri; Mr. CANNON, of Missouri; Mr. RAGON, of Arkansas; Mr. COCHRAN, of Missouri; Mr. NIEDRINGHAUS, of Missouri; Mr. NELSON, of Missouri; and Mr. WILLIAMS, of Missouri.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 4 o'clock and 40 minutes p. m.) the House, in accordance with the resolution heretofore adopted, adjourned until to-morrow, Wednesday, December 19, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, December 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

State, Justice, Commerce, and Labor Departments appropriation bill.

COMMITTEE ON PUBLIC BUILDINGS AND PUBLIC GROUNDS

(10.30 a. m.)

Authorizing the erection of a public warehouse for storage of Government supplies and purchase and condemnation of real estate in the District of Columbia (H. R. 8919).

To repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La. (H. R. 15468).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

Providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project (S. 1462).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

A meeting of the subcommittee to consider a bill for the relief of J. F. McMurray (H. R. 10741).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. GRAHAM: Committee on the Judiciary. S. J. Res. 167. A joint resolution limiting the operation of sections 198 and 203 of title 18 of the Code of Laws of the United States; without amendment (Rept. No. 1959). Referred to the House Calendar.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat., p. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat., p. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians; without amendment (Rept. No. 1960). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8868) for the relief of Samuel Joshua Kolsky; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 15164) granting an increase of pension to Emma Calb; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15165) granting an increase of pension to Carrie Brooks; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15166) granting an increase of pension to Julia O. Allen; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15167) granting an increase of pension to S. Amanda Clark; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15168) granting an increase of pension to Calista Ealy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15169) granting an increase of pension to Kate Griffith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15170) granting a pension to Maggie Groves; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15171) granting an increase of pension to Anna Hafey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15172) granting an increase of pension to Adella Harper; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15173) granting an increase of pension to Elizabeth Heise; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15174) granting an increase of pension to Victoria Huddle; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15175) granting an increase of pension to Mary E. Jaco; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15176) granting an increase of pension to Althea S. Jones; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15177) granting an increase of pension to Carrie Miller; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15178) granting an increase of pension to Laura C. Monfort; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15179) granting an increase of pension to Mary E. Ryerson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15180) granting an increase of pension to Laura B. Pleukhart; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15181) granting an increase of pension to Adelpia T. Weaver; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15182) granting an increase of pension to Sarah A. Williams; to the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15247) granting a pension to Matilda Cranmer; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 15518) to provide for establishment of an airship base and construction of a hangar and other buildings at Fort Lewis, in the State of Washington; to the Committee on Naval Affairs.

By Mr. BACHMANN: A bill (H. R. 15519) to provide for establishing a country White House; to the Committee on Public Buildings and Grounds.

By Mr. BLACK of New York: A bill (H. R. 15520) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: A bill (H. R. 15521) to amend section 5209 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. CRAMTON: A bill (H. R. 15522) to extend the civil and criminal laws of the United States to Indians, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 15523) authorizing the representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments; to the Committee on Indian Affairs.

Also, a bill (H. R. 15524) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital; to the Committee on Public Buildings and Grounds.

By Mr. YON: A bill (H. R. 15525) authorizing Thomas E. Brooks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Garniers Bayou, at or near the point where State Road No. 10 crosses the said Garniers Bayou, in the State of Florida; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 15526) for automatic promotions into special clerk grade; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 15527) to amend the act entitled "An act providing for the completion by the Secretary of War of a monument to the memory of the American soldiers who fell in the Battle of New Orleans at Chalmette, La., and making the necessary appropriation therefor," approved March 4, 1907; to the Committee on the Library.

By Mr. HICKEY: A bill (H. R. 15528) to amend the World War adjusted compensation act as amended; to the Committee on Ways and Means.

By Mr. SIROVICH: A bill (H. R. 15529) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 15530) to provide that certain staff officers of the United States Navy shall come under the operation of section 16 of the act of June 10, 1926; to the Committee on Naval Affairs.

By Mr. ANDREW: Joint resolution (H. J. Res. 359) directing and providing for the assembly, inventory, classification, preparation for publication, and publication of the official records and maps relating to the participation of the military and naval forces of the United States in the World War, and authorizing appropriations therefor; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 360) entitling all employees of the United States Government in the District of Columbia to pay for Monday, December 24, 1928, the same as any other holiday; to the Committee on Expenditures in the Executive Departments.

By Mr. GRAHAM: Resolution (H. Res. 268) providing for the consideration of sundry bills concerning the appointment of additional district judges in the United States, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 15531) granting a pension to Ellen Noonan; to the Committee on Pensions.

Also, a bill (H. R. 15532) for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thregurtha Plant of the National Motors Corporation; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 15533) to extend the benefits of the employees' compensation act of September 7, 1916, to W. M. Seawell; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 15534) granting a pension to Teresa Matson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15535) granting an increase of pension to Sarah Pearce; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 15536) granting a pension to Alice C. Bean; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 15537) granting a pension to William Darrah Kelly Shelmire; to the Committee on Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 15538) granting an increase of pension to Rufus M. Smith; to the Committee on Pensions.

By Mr. EVANS of Montana: A bill (H. R. 15539) granting a pension to Hannah L. Ward; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 15540) for the relief of William D. Grush; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 15541) granting an increase of pension to Sarah E. Wells; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 15542) granting a pension to George C. Dyer; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 15543) for the relief of W. Fred Lightsey; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: A bill (H. R. 15544) granting a pension to Mrs. A. E. Harvey; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 15545) granting a pension to Josie Runyan; to the Committee on Invalid Pensions.

By Mr. LOWREY: A bill (H. R. 15546) granting a pension to Mary E. Beaty; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 15547) granting a pension to William J. Dunn; to the Committee on Pensions.

By Mr. MCCORMACK: A bill (H. R. 15548) for the relief of Frank J. Powers; to the Committee on Military Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 15549) granting a pension to Alice Bunnell; to the Committee on Invalid Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 15550) granting a pension to Elizabeth M. Juett; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 15551) granting an increase of pension to Sarah Mick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15552) granting an increase of pension to Charles W. Camp; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 15553) granting an increase of pension to Grover Colter; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 15554) granting a pension to Napoleon B. Greathouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15555) granting an increase of pension to Carl L. Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15556) granting an increase of pension to Zack Pullium; to the Committee on Pensions.

Also, a bill (H. R. 15557) granting an increase of pension to Ellen McFarland; to the Committee on Pensions.

By Mr. RANSLEY: A bill (H. R. 15558) granting a pension to Alice Virginia Parsons; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 15559) granting an increase of pension to Martha C. Sharp; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 15560) granting a pension to Robert C. Brown; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 15561) to correct the military record of Lawrence Fisher; to the Committee on Military Affairs.

Also, a bill (H. R. 15562) for the relief of Anna E. Stratton; to the Committee on Military Affairs.

By Mr. TARVER: A bill (H. R. 15563) for the relief of Nannie White; to the Committee on Claims.

Also, a bill (H. R. 15564) granting an increase of pension to Octavia Evans; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 15565) granting a pension to William R. Campbell; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 15566) granting an increase of pension to Nellie A. R. Sykes; to the Committee on Invalid Pensions.

By Mr. YON: A bill (H. R. 15567) granting a pension to Martha Owens; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8045. By Mr. CULLEN: Resolutions unanimously adopted by the board of directors of the Maritime Association of the Port of New York, that as the refusal of the Shipping Board to pay brokerage commissions operates against the old-established and necessary business of ship brokers, while in effect subsidizing another, the coal industry, this association earnestly protests against this discrimination as between industries, and urges the adoption by the United States Shipping Board of a policy equally fair to all interests concerned; to the Committee on the Merchant Marine and Fisheries.

8046. By Mr. GARBER: Letter from Standard Tilton Milling Co., urging favorable consideration of House bill 15267, to amend the tariff act of 1922; to the Committee on Ways and Means.

8047. Also, petition of the Regan Safety Devices Co. (Inc.), with clippings inclosed from the New York Times and the

New York Sun, Sunday, December 9, 1928, dealing with the recent decision of the Interstate Commerce Commission not to compel further installations of automatic train control on the railroads of the country; to the Committee on Interstate and Foreign Commerce.

8048. Also, petition of the Chamber of Commerce of the United States of America, in support of House bill 13793, designed to bring about the legalization of residence of certain aliens in this country; to the Committee on Immigration and Naturalization.

8049. Also, petition of the Illinois Valley Protective Association, urging support of Senate bill 4689 and House bill 14116, providing for Federal loans to refinance the bond issues placed upon land in the Illinois Valley for reclamation purposes; to the Committee on Irrigation and Reclamation.

8050. Also, petition of Lewis, Folsom & Murdock, attorneys at law, Chicago, Ill., representing persons and firms opposing the passage of House bill 10958, to amend the definition of oleomargarine; to the Committee on Agriculture.

8051. Also, petition of W. A. Hays & Son, Blackwell, Okla., urging the fixing of a tariff duty on cement; to the Committee on Ways and Means.

8052. By Mr. KINDRED: Petition of the Cigarmakers International Union, No. 87, of Queens County, Brooklyn, N. Y., opposing the passage of House bill 9195, Cuban parcel post bill, amending sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

8053. By Mr. O'CONNOR of New York: Resolutions adopted by the board of directors of the Maritime Association of New York, protesting against refusal of the United States Shipping Board to pay brokerage commissions on coal fixtures; to the Committee on the Merchant Marine and Fisheries.

8054. By Mr. YATES: Petition of Capt. W. L. Blanton, captain Nineteenth Infantry, protesting Senate bill and House bill (by Mr. McSWAIN) which seek to change the promotion list; to the Committee on Military Affairs.

8055. Also, petition of Philip M. Tucker, of Boston, Mass., urging adequate protection against attack, especially aerial; to the Committee on Military Affairs.

8056. Also, petition of the Chicago Wholesale Fish and Oyster Dealers' Association (Inc.), urging passage of House Joint Resolution 303 (which has already passed the Senate), known as the Hoch-Smith resolution, to give reduced transportation costs to all farm products and products of fisheries; to the Committee on Interstate and Foreign Commerce.

8057. Also, petition of First National Bank, of Ziegler, Ill., advocating continuance of national bank currency, the only exclusive privilege left to national banks, which State banks can not exercise; to the Committee on Banking and Currency.

8058. Also, petition of Alden, Latham & Young, attorneys, Chicago, Ill., urging passage of Senate bill 3623, to amend section 204 of the transportation act of 1920, the purpose of the amendment being to permit the district supreme court to review conclusions of law of the Interstate Commerce Commission on questions arising under that section; to the Committee on Ways and Means.

8059. Also, petition of Maguire & Voorhis, Orlando, Fla., urging a term of the United States court, southern district of Florida, at Orlando; to the Committee on the Judiciary.

8060. Also, petition of Cigar Makers Union, No. 114, of Jacksonville, Ill., by L. Hoffman, secretary, and R. May, president, protesting, by order of the union at a meeting held December 10, against House bill 9195, which, if passed, would open the doors to thousands of Cuban-made cigars free of duty; to the Committee on Ways and Means.

8061. Also, petition of the Railway Mail Association, Chicago, Ill., Elkhart Branch, urging passage of Dale retirement bill (S. 1727) and La Follette 44-hour bill (S. 3281); also Kelly postal policy bill; to the Committee on the Post Office and Post Roads.

8062. Also, petition of Galesburg Branch of Railway Mail Association, of Galesburg, Ill., by H. E. Ross, president, urging passage of Senate bill 3281; to the Committee on the Post Office and Post Roads.

8063. Also, petition of Hon. James Hamilton Lewis and partners, by George N. Murdock, 112 Adams Street, Chicago, protesting against House bill 10958, purporting to amend the definition of oleomargarine, introduced by Mr. HAUGEN, and favorably reported by the Committee on Agriculture; to the Committee on Agriculture.

8064. Also, petition of Warrensburg Canning Co., of Warrensburg, Ill., protesting against House bill 5773, the Boulder Dam project; to the Committee on Irrigation and Reclamation.

SENATE

WEDNESDAY, December 19, 1928

(Legislative day of Monday, December 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The message communicated to the Senate the intelligence of the death of Hon. CHARLES L. FAUST, late a Representative from the State of Missouri, and transmitted the resolutions of the House thereon; and also announced that pursuant to the resolutions the Speaker had appointed a committee of 19 Members of the House, with such Members of the Senate as may be joined, to attend the funeral of the deceased Representative, as follows:

Representatives DYER, of Missouri; JOHNSON, of South Dakota; TIMBERLAKE, of Colorado; WILLIAMS, of Illinois; PURNELL, of Indiana; CHINDBLOM, of Illinois; DICKINSON, of Iowa; MAN-LOVE, of Missouri; ALLEN, of Illinois; RAINEY, of Illinois; HASTINGS, of Oklahoma; ROMJUE, of Missouri; MILLIGAN, of Missouri; CANNON, of Missouri; RAGON, of Arkansas; COCHRAN, of Missouri; NIEDRINGHAUS, of Missouri; WILLIAMS, of Missouri; and NELSON, of Missouri.

ENROLLED BILLS SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; and

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

CREDENTIALS

Mr. McLEAN presented the credentials of FREDERIC C. WALCOTT, chosen a Senator from the State of Connecticut for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF CONNECTICUT,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on November 6, 1928, FREDERIC C. WALCOTT was duly chosen by the qualified electors of the State of Connecticut a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

Witness: His Excellency our Governor, John H. Trumbull, and our seal hereto affixed at Hartford, this 30th day of November, A. D. 1928.

JOHN H. TRUMBULL, Governor.

[SEAL.]

FRANCIS A. PALLOTTI, Secretary.

Mr. WAGNER presented the credentials of ROYAL S. COPELAND, chosen a Senator from the State of New York for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF NEW YORK, ss:

We, the attorney general, State senators, and members of assembly, constituting the State board of canvassers, having canvassed and estimated the whole number of votes given for the office of United States Senator at the general election held in said State on the 6th day of November, 1928, according to the certified statements of the said votes received by the secretary of state, in the manner directed by law, do hereby determine, declare, and certify that ROYAL S. COPELAND was, by the greatest number of votes given at the said election, duly elected United States Senator of the said State.

Given under our hands, at the department of state, in the city of Albany, the 11th day of December, A. D. 1928.

ALBERT OTTINGER, Attorney General.

BERNARD DOWNING, State Senator.

RUSSELL G. DUNMORE, Member of Assembly.

MAURICE BLOCH, Member of Assembly.

STATE OF NEW YORK,

Department of State, ss:

I certify that I have compared the foregoing with the original certificate filed in this office, and that the same is a correct transcript therefrom and of the whole of such original.